

MONDAY, JANUARY 28, 2002
SEVENTY-FIRST LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Pinion.

Representative Pinion led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Arriola; personal reasons.

Representative Cole (Carter); personal reasons.

Representative Garrett; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 186: Rep(s). Davis (Washington) as prime sponsor(s).

House Resolution No. 187: Rep(s). Davis (Washington) as prime sponsor(s).

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Resolution No. 188: Rep(s). Davis (Washington) as prime sponsor(s).

House Resolution No. 189: Rep(s). Davis (Washington) as prime sponsor(s).

House Resolution No. 191: Rep(s). Ridgeway as prime sponsor(s).

House Bill No. 1466: Rep(s). Givens as prime sponsor(s).

**MESSAGE FROM THE SENATE
January 28, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 523; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 523 -- General Assembly, Joint Conventions - Calls joint convention for Monday, February 4, 2002, at 5:45 p.m. to hear state of state address by Honorable Governor Sundquist; authorizes transmittal of state budget document. by *Atchley.

**MESSAGE FROM THE SENATE
January 28, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 524; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 524 -- Memorials, Professional Achievement - Professor David L. Acey, 2002 Arthur S. Holman Lifetime Achievement Award. by *Kyle.

**MESSAGE FROM THE SENATE
January 28, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 488; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 488 -- Memorials, Death - Jack Rutherford. by *Crowe.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 623** -- General Assembly, Studies - Creates special joint committee to study feasibility of residential school or summer camp for disadvantaged youth at T.O. Fuller state park. by *Cooper B, *Brooks, *Turner (Shelby), *Bowers, *Brown.

House Conservation and Environment Committee

House Joint Resolution No. 624 -- General Assembly, Recess & Reconvene - Recesses general assembly from close of business on Thursday, January 17, 2002, to Monday, January 28, 2002, at 5:00 p.m. (CST). by *Davidson, *McDaniel.

Held on House Desk

***House Joint Resolution No. 635** -- Memorials, Congress - Memorializes Congress to pass school prayer amendment to U.S. Constitution or call constitutional convention to do so. by *Davis (Washington), *Godsey, *Mumpower.

House Judiciary Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 31, 2002:

House Resolution No. 192 -- Memorials, Personal Occasion - Calvin B. and Kathleen Davis Garland, 50th wedding anniversary. by *Patton, *Davis (Washington).

House Resolution No. 193 -- Memorials, Recognition - By-Pass Day Care Center. by *Godsey.

House Resolution No. 194 -- Memorials, Recognition - Littlest Angel Child Care Center. by *Godsey.

House Resolution No. 195 -- Memorials, Congratulations - Ted E. Bear Academy. by *Godsey.

House Joint Resolution No. 636 -- Memorials, Death - George Tunnell. by *Givens, *Overbey.

House Joint Resolution No. 637 -- Memorials, Sports - Schaack Van Deusen, 2001 Wrestling USA Magazine National Assistant Coach of the Year. by *Bunch.

House Joint Resolution No. 638 -- Memorials, Professional Achievement - Margie Holmes, Tennessee Recreation Parks Association's Lifetime Member Award. by *Hargett.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Joint Resolution No. 640 -- Memorials, Personal Occasion - William Thomas and Ruth Lynn Bradley Norman, 50th Wedding Anniversary. by *Cole (Dyer).

House Joint Resolution No. 642 -- Memorials, Death - Dr. Philip Arnold Nicholas. by *Langster, *Turner (Davidson), *West, *Davidson.

House Joint Resolution No. 643 -- Memorials, Death - Angela Adams Estes. by *Mumpower.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for January 31, 2002:

Senate Joint Resolution No. 488 -- Memorials, Death - Jack Rutherford. by *Crowe.

Senate Joint Resolution No. 524 -- Memorials, Professional Achievement - Professor David L. Acey, 2002 Arthur S. Holman Lifetime Achievement Award. by *Kyle.

PERSONAL ORDERS

RULES SUSPENDED

Rep. Pleasant moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 639 out of order, which motion prevailed.

House Joint Resolution No. 639 -- Memorials, Retirement - Dr. James Byron Mitchell, Jr. by *Pleasant, *Bowers, *Cooper B, *Brooks, *Jones U (Shelby), *DeBerry L, *Hargett, *Kent.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pleasant, with request that all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

SPECIAL ORDER

Rep. Langster moved that all members voting aye on House Joint Resolution No. 632 be added as sponsors on the Consent Calendar, which motion prevailed.

Rep. McDonald moved that all members voting aye on House Joint Resolution No. 625 and 626 be added as sponsors on the Consent Calendar, which motion prevailed.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 2275** -- TennCare - Makes court system financially responsible for losses incurred by health care providers from Access MedPlus during time that state had declared Access MedPlus insolvent but courts prevented state from placing Access MedPlus in receivership. by *Kisber.

***House Bill No. 2276** -- Workers' Compensation - Requires advisory council on workers' compensation to report to special joint committee on workers' compensation concerning settlement standards, loss costs system, and assigned risk pool by January 15, 2003. Amends TCA Title 38, Chapter 6; Title 50 and Title 56. by *Kisber.

House Bill No. 2277 -- Tennessee Regulatory Authority - Permits TRA to regulate transmission of unsolicited faxes and authorizes TRA to fine violators up to \$2,000 per unauthorized fax page; fines to be deposited to public utilities account of state treasurer. Amends TCA Title 65, Chapter 4. by *Kisber.

House Bill No. 2278 -- Taxes - Requires department of revenue to disclose to taxpayer overpayments discovered during audit, assessment, collection, or enforcement proceedings and sets 120-day period in which taxpayer may apply for refund or credit. Amends TCA Section 67-1-1802. by *Kisber.

***House Bill No. 2279** -- Alcoholic Beverages - Repeals grandfather clause for establishments selling beer near schools and churches and allows local governments to prohibit beer sales at such establishments. Amends TCA Title 57, Chapter 5, Part 1. by *Kisber.

***House Bill No. 2280** -- Welfare - Authorizes deduction from total income available for cost of long-term nursing home care for certain dental services provided to medicaid eligible recipients on-site by mobile dental services provider; establishes requirements, notification, deduction, and payment procedures for such services. Amends TCA Title 68, Chapter 11; Title 71, Chapter 1 and Title 71, Chapter 5. by *Kisber.

***House Bill No. 2281** -- Taxes, Real Property - Prohibits assessment of property tax delinquency against seller of owner-occupied property who establishes payment of seller's pro rata share of property taxes during assessed period under certain circumstances; makes purchaser liable for nonpayment of taxes after sale. Amends TCA Title 67, Chapter 5. by *Kisber.

***House Bill No. 2282** -- Fire Prevention and Investigation - Requires carbon monoxide detectors in new residential buildings. Amends TCA Title 68, Chapter 120, Part 1. by *Kisber.

House Bill No. 2283 -- Taxes - Changes apportionment formula to property factor, plus payroll factor, plus three times receipts factor. Amends TCA Title 67. by *Kisber.

House Bill No. 2284 -- Driver Licenses - Requires criminal background check of persons applying for commercial driver license; prohibits issuance of commercial driver license to persons convicted of felony involving offense against person or controlled substances. Amends TCA Title 55, Chapter 50. by *Kisber.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2285** -- Telecommunications - Extends telephone solicitation "Do Not Call" register to facsimile communications. Amends TCA Title 65, Chapter 4, Part 4, by *Kisber.

***House Bill No. 2286** -- TennCare - Requires comptroller's annual actuarial study to address provider reimbursement rates issues. Amends TCA Title 71, Chapter 5, by *Kisber.

***House Bill No. 2287** -- TennCare - Deletes authority for state, to extent permitted by federal law, to set lesser amounts, scope and duration of medical services for medically needy population. Amends TCA Title 71, Chapter 5, by *Kisber.

***House Bill No. 2288** -- Tennessee Higher Education Commission - Requires THEC to review alternatives to formula for funding higher education and to report to general assembly no later than December 1, 2002. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 7, Part 2, by *Kisber.

House Bill No. 2289 -- Budget Procedures - Requires each department and agency of state government to submit annual detailed accounting of source and expenditure of all funds received during preceding 12 months. Amends TCA Title 9, Chapter 4, by *Kisber.

***House Bill No. 2290** -- Education - Includes knowing or intentional furnishing of misleading statistical data to list of prohibited actions with respect to operation of local education agencies. Amends TCA Title 49, Chapter 50, by *Kisber.

***House Bill No. 2291** -- Education - Requires Directory of Educational Programs for Preschool Children with Disabilities to be updated as necessary to reflect programs currently being offered. Amends TCA Title 49, Chapter 10, by *Kisber.

***House Bill No. 2292** -- Education - Reduces period for state board of education review of driver's education curriculum from every three years to every two years. Amends TCA Title 49, Chapter 6, by *Kisber.

***House Bill No. 2293** -- Education - Adds training for working with special needs children to program of Tennessee principal-administrator academy. Amends TCA Title 49, Chapter 5, by *Kisber.

***House Bill No. 2294** -- Education - Adds terrorism and state of war to justifiable reasons for not suspending payments to local education agencies during period when schools are not operating. Amends TCA Title 49, Chapter 3, by *Kisber.

***House Bill No. 2295** -- Education - Authorizes state building commission to require building renovation and expansion in school systems that have been placed on probation. Amends TCA Title 49, Chapter 2, by *Kisber.

House Bill No. 2296 -- Education - Adds requirement that commissioner of education report annually to governor on deficiencies in public school system. Amends TCA Title 49, Chapter 1, by *Kisber.

***House Bill No. 2297** -- Education, Higher - Extends teacher training at state colleges and universities from grades 1-12 to grades K-12. Amends TCA Title 49, by *Kisber.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2298** -- Basic Education Program (BEP) - Increases amount in Tennessee basic education program from \$200 to \$300 for every teacher in kindergarten through grade twelve for purchase of supplies. Amends TCA Title 49. by *Kisber.

***House Bill No. 2299** -- Education - Decreases time that student is allowed to remain in transit to or from school on school bus from one and one-half hours to one hour. Amends TCA Title 49. by *Kisber.

***House Bill No. 2300** -- Education, Higher - Prevents state colleges and universities from offering online courses until university tract program is fully implemented. Amends TCA Title 49, Chapter 7. by *Kisber.

***House Bill No. 2301** -- Education - Authorizes department of education to include information on driving under influence of drugs and alcohol and consequences of being arrested for alcohol- or drug-related offense to driver education courses. Amends TCA Title 49. by *Kisber.

House Bill No. 2302 -- Appropriations - Makes appropriations for operation of state government for fiscal year 2002-2003. by *Kisber.

House Bill No. 2303 -- Bond Issues - Authorizes issuance of bonded indebtedness for state government. by *Kisber.

House Bill No. 2304 -- Appropriations - Authorizes state spending to exceed growth in revenues by specified amount. Amends TCA Title 9, Chapter 6, Part 2. by *Kisber.

House Bill No. 2305 -- Appropriations - Makes appropriations for operation of state government for fiscal year 2002-2003. by *Kisber.

House Bill No. 2306 -- Bond Issues - Authorizes issuance of bonded indebtedness for state government. by *Kisber.

House Bill No. 2307 -- Appropriations - Authorizes state spending to exceed growth in revenues by specified amount. Amends TCA Title 9, Chapter 6, Part 2. by *Kisber.

House Bill No. 2308 -- Appropriations - Makes appropriations for operation of state government for fiscal year 2002-2003. by *Kisber.

House Bill No. 2309 -- Bond Issues - Authorizes issuance of bonded indebtedness for state government. by *Kisber.

House Bill No. 2310 -- Appropriations - Authorizes state spending to exceed growth in revenue by specified amount. Amends TCA Title 9, Chapter 6, Part 2. by *Kisber.

House Bill No. 2311 -- Appropriations - Makes appropriations for operation of state government for fiscal year 2002-2003. by *Kisber.

House Bill No. 2312 -- Bond Issues - Authorizes issuance of bonded indebtedness for state government. by *Kisber.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2313 -- Appropriations - Authorizes state spending to exceed growth in revenues by specified amount. Amends TCA Title 9, Chapter 6, Part 2. by *Kisber.

House Bill No. 2314 -- Appropriations - Reduces appropriations to department of environment and conservation for 2002-2003 fiscal year by amount of estimated savings resulting from closure of state parks in 2001-2002 fiscal year. by *Kisber.

***House Bill No. 2315** -- Criminal Offenses - Requires sentences for assaults on certain public employees be served consecutively with any other sentences imposed or already being served. Amends TCA Section 39-13-101. by *Kent.

House Bill No. 2316 -- Teachers, Principals and School Personnel - Requires reading instruction as mandatory element of teacher education curriculum and requires certification of teacher competence in reading instruction. Amends TCA. by *Cooper B, *Brooks.

House Bill No. 2317 -- Children - Requires, by rule promulgated by state board of education, vision screening by ophthalmologist or optometrist for children entering public school, public preschool, or head start program. Amends TCA Title 49. by *Cooper B, *Brooks, *Brown.

***House Bill No. 2318** -- Day Care - Increases training requirements for caregivers to require at least 180 hours of standardized in-service early childhood education training and 40 hours of annual continuing education; such requirements are in addition to present requirements for two hours orientation and six hours of additional training within first six months of employment. Amends TCA Title 71. by *Cooper B, *Brooks.

House Bill No. 2319 -- Local Education Agency - Requires LEAs to report annually number of students taking psychotropic drugs for attention deficit hyperactivity disorder to department of education which then reports to education oversight committee and senate and house House Education Committees. Amends TCA Title 49. by *Cooper B, *Brooks, *Brown.

***House Bill No. 2320** -- Alcoholic Beverages - Redefines "motor speedway" for authorization of sales and consumption of alcoholic beverages. Amends TCA Section 57-4-102. by *Bone.

***House Bill No. 2321** -- Agriculture - Adds nursery stock to definitions of "farm" and "farm operation" for purposes of Tennessee Right to Farm Act. Amends TCA Title 43, Chapter 26, Part 1. by *Bone.

***House Bill No. 2322** -- Internet and e-Commerce - Enacts "Tennessee Rural Internet Access Authority Act." Amends TCA. by *Windle.

***House Bill No. 2323** -- Highway Signs - "Robert E. Lillard Memorial Highway", segment of S.R. 1 (Lafayette Street) in Nashville. by *Pruitt.

House Bill No. 2324 -- Cosmetology - Authorizes establishment of manicure schools offering instruction only in manicure. Amends TCA Title 62, Chapter 4, Part 1. by *Pruitt.

***House Bill No. 2325** -- Redistricting, Legislative - Clarifies that state house districts must comply with all federal statutes and court decisions. Amends TCA Title 2 and Section 3-1-103. by *Davidson.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2326** -- Redistricting, Legislative - Requires congressional districts to be redistricted within one year after receiving PL 94-171 data from federal enumeration of population. Amends TCA Title 2, Chapter 16, Part 1. by *Davidson.

***House Bill No. 2327** -- Redistricting, Legislative - Clarifies that senate must comply with applicable federal statutes. Amends TCA Title 2 and Section 3-1-102. by *Davidson.

***House Bill No. 2328** -- Redistricting, Legislative - Clarifies transition period from old to new districts; clarifies effect of county reapportionment on new districts. Amends TCA Section 3-1-103. by *Davidson.

***House Bill No. 2329** -- Advertising - Excludes radio and television advertising time from any telecommunications related taxation. Amends TCA Title 67, Chapter 6. by *Shaw, *Ridgeway, *Shepard.

***House Bill No. 2330** -- Budget Procedures - Requires that budget presentation include receipts and expenditures of state levied taxes only. Amends TCA Title 9, Chapter 4. by *Head.

***House Bill No. 2331** -- Consumer Protection - Provides that certain activities relative to prizes, advertising, and unsolicited negotiable instruments that comply with Consumer Protection Act are considered lawful business transactions for purposes of gambling law. Amends TCA Title 47, Chapter 18, Part 1. by *Newton.

***House Bill No. 2332** -- Real Property - Provides that owner of private airstrip not liable for injuries to person or property resulting from aviation-related use of property. Amends TCA Title 70, Chapter 7. by *Buck.

House Bill No. 2333 -- Local Education Agency - Requires programs by LEAs on pesticide use in schools. Amends TCA Title 49, Chapter 50. by *Harwell.

House Bill No. 2334 -- Education - Enacts "Educational Records as Evidence Act." Amends TCA Title 49, Chapter 50. by *Wood.

House Bill No. 2335 -- Highway Signs - Talbot's Corner, I-65, Exit 87 in Davidson County. by *Garrett.

House Bill No. 2336 -- Highways, Roads and Bridges - Talbot's Corner, I-65, Exit 87 in Davidson County. by *Garrett.

***House Bill No. 2337** -- Emergency Communications Districts - Authorizes board of directors of district created after July 1, 2002, to be legislative body of municipality creating district. Amends TCA Section 7-86-105(b) and Section 7-86-314. by *Sargent, *Casada.

***House Bill No. 2338** -- Child Custody and Support - Allows parents to request alternating primary residential custody of child; child must reside with either parent for not less than six months at time; court may deviate from order if clear convincing evidence child in danger of severe harm. Amends TCA Section 36-6-101 and Section 36-6-404. by *Bowers.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2339** -- Professions and Occupations - Permits hair braiders to work without supervision of licensed cosmetologists in their own businesses. Amends TCA Title 62, Chapter 4, Part 1. by *Bowers.

House Bill No. 2340 -- Criminal Procedure - Requires misdemeanor defendants appointed counsel by reason of indigency to be released from custody on recognizance unless state shows in separate hearing that defendant would not appear in court or would pose danger to defendant or others. Amends TCA Section 40-11-115. by *Bowers.

House Bill No. 2341 -- Taxes, Personal Property - Requires monthly disbursement of proceeds from rental car tax imposed to fund bonded indebtedness of county or city for arena in connection with National Basketball Association franchise. Amends TCA Title 67, Chapter 4, Part 19. by *Bowers.

***House Bill No. 2342** -- Taxes, Real Property - Increases income level for property tax relief for elderly and disabled homeowners from \$10,500 to \$15,000 of income from all sources. Amends TCA Title 7, Chapter 64 and Title 67, Chapter 5, Part 7. by *Scroggs.

House Bill No. 2343 -- Telecommunications - Requires contract for wireless telecommunications service to contain statement informing consumer telephone device will not work with other service provider. Amends TCA Title 47, Chapter 18, Part 19. by *Wood.

House Bill No. 2344 -- Highway Signs - "Thomas Anthony Utley Memorial Bridge," S.R. 52 East overpass bridge in Portland, Sumner County. by *McDonald, *Black.

***House Bill No. 2345** -- Local Education Agency - Allows counties to continue to have elected school superintendents upon two-thirds vote of county commission. Amends TCA Title 49, Chapter 2. by *Boyer.

House Bill No. 2346 -- Employees, Employers - Prohibits employers from discriminating against employees who apply for employer education assistance program if employee also receiving veteran's education benefits. Amends TCA Title 4, Chapter 21. by *Givens.

House Bill No. 2347 -- Education, Higher - Clarifies educational benefits available to veterans and their dependents. Amends TCA Title 49, Chapter 7. by *Givens.

House Bill No. 2348 -- Taxes - Decreases percentage of proceeds from seizure of untaxed tobacco products set aside for expenses of administration from 10 to 5 percent. Amends TCA Title 67. by *Givens.

House Bill No. 2349 -- Tobacco, Tobacco Products - Redefines "basic cost of cigarettes" for purposes of "Unfair Retailer's Cigarette Sales Law" to be lesser of invoice cost or replacement cost within 15 days instead of 30 days of date of sale. Amends TCA Title 47, Chapter 25, Part 3. by *Givens.

House Bill No. 2350 -- Tobacco, Tobacco Products - Specifies that franchise and excise taxes shall not be construed to prohibit tobacco companies from doing business in Tennessee. Amends TCA Title 67, Chapter 4, Part 21 and Title 67, Chapter 4, Part 20. by *Givens.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2351 -- Agriculture - Clarifies rebuttable presumption that farm operations are not public or private nuisances may be overcome if claimant establishes by preponderance of evidence based on competent expert testimony that operation does not conform to generally accepted agricultural practices. Amends TCA Title 43, Chapter 26, Part 1. by *Givens, *Baird, *Bone, *Windle, *Fraleigh, *Newton, *Montgomery, *Johnson, *Sargent, *Pinion, *Walker, *Mumpower, *Davis (Washington), *Sands, *Curtiss.

House Bill No. 2352 -- Economic and Community Development - Enacts "Rural Economic Development and Educational Financial Assistance Act of 2002." Amends TCA Title 4, Chapter 31. by *Givens, *Baird, *Bone, *Windle, *Fraleigh, *Montgomery, *Newton, *Johnson, *Sargent, *Pinion, *Mumpower, *Davis (Washington), *Walker, *Sands, *Curtiss.

***House Bill No. 2353** -- Parks, Natural Areas Preservation - Requires approval by general assembly before commissioner of environment and conservation can limit hours, close, or lease operations of any state park. Amends TCA Title 4, Chapter 3, Part 5. by *Maddox.

House Bill No. 2354 -- Motor Vehicles - Requires accident reports to include information regarding cell phone use at time of accident by drivers involved in accident. Amends TCA Title 55, Chapter 10 and Title 55, Chapter 12. by *Maddox.

***House Bill No. 2355** -- Agriculture - Revises labeling requirements for calcium carbonate equivalent contained in agricultural liming materials sold in this state; revises licensure and reporting requirements for manufacturers and distributors of agricultural liming materials. Amends TCA Title 43, Chapter 11. by *Bone.

***House Bill No. 2356** -- Pensions and Retirement Benefits - Provides for state assumption of 5 percent employee contribution for retirement of teachers. Amends TCA Title 8, Chapter 34, Part 2 and Title 8, Chapter 37, Part 2. by *Maddox.

House Bill No. 2357 -- Health Care - Prohibits discrimination against physician assistants by managed health insurance issuers. Amends TCA Section 56-32-237. by *Maddox.

House Bill No. 2358 -- Weakley County - Subject to local approval, reduces number of school districts from ten to nine. by *Maddox.

House Bill No. 2359 -- Taxes, Sales - Reduces amount of sales tax allocated to general fund from 29.0246 percent to 24.4321 percent and allocates 4.5925 percent to counties to be distributed based on population. Amends TCA Section 67-6-103. by *Curtiss.

***House Bill No. 2360** -- Highways, Roads and Bridges - Designates and allocates annual amount of \$21,375,000 to state-aid highway system. Amends TCA Section 67-3-2001. by *Curtiss.

***House Bill No. 2361** -- County Government - Authorizes county, by two-thirds vote of its legislative body, to exercise certain additional powers granted to municipalities relative to nuisances and uses of property detrimental to health, morals, comfort, safety, convenience, or welfare of inhabitants of unincorporated areas of county. Amends TCA Section 5-1-118. by *Curtiss.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2362** -- Business and Commerce - Requires each member of board, commission, council, panel, or entity regulating professions, businesses, or occupations pursuant to Title 62 to be Tennessee residents during tenure of such membership. Amends TCA Title 4 and Title 62. by *Curtiss.

***House Bill No. 2363** -- Agriculture, Dept. of - Reallocates for three years, \$0.05 from each of wetlands acquisition, state lands acquisition, and agricultural resources conservation funds to be expended by department of agriculture, division of forestry, for maintenance, repair, and purchase of fire fighting equipment. Amends TCA Section 67-4-409. by *Curtiss, *Walker, *Bone, *Newton, *Lewis.

***House Bill No. 2364** -- Arrests - Authorizes magistrate to call upon appropriate law enforcement agency for further investigation before deciding if arrest warrant should issue unless delay would put safety of complainant or public at risk. Amends TCA Title 8; Title 38; Title 39 and Title 40. by *Curtiss.

***House Bill No. 2365** -- Hospitals and Health Care Facilities - Requires ambulatory surgical treatment centers to report certain information. Amends TCA Title 68. by *DeBerry L.

House Bill No. 2366 -- Consumer Protection - Prohibits sale of gift certificates containing expiration dates; provides that any certificate sold after July 1, 2002, is redeemable for cash value or subject to replacement; excludes certificates issued as promotional awards and certificates sold below face value to employers and/or to charitable organizations for fundraising. by *Bowers.

House Bill No. 2367 -- Motor Vehicles, Titling and Registration - Authorizes issuance of Rocky Mountain Elk Foundation new specialty earmarked license plates; allocates 50 percent of funds derived from sale thereof to Rocky Mountain Elk Foundation for preservation of Rocky Mountain elk and its habitat. Amends TCA Title 55, Chapter 4. by *Montgomery, *Baird, *Vincent, *Winningham, *Bittle.

***House Bill No. 2368** -- Purchasing - Increases amount for transactions requiring formal sealed bids from \$2,500 to \$10,000 for cities with modified manager-council charter. Amends TCA Section 6-35-205. by *Pinion, *Cole (Carter).

House Bill No. 2369 -- Appropriations - Provides \$2.5 million to department of environment and conservation to keep state parks open and operating at operational level in effect on July 1, 1999. Amends Chapter No. 435 of the Public Acts of 2001, as amended by Chapter No. 464 of the Public Acts of 2001. by *Garrett.

House Bill No. 2370 -- Appropriations - Allocates portion of funding, provided to department of environment and conservation for current fiscal year, to be used to keep state parks open and operating at level of operation in effect July 1, 1999. Amends Chapter No. 435 of the Public Acts of 2001, as amended by Chapter No. 464 of the Public Acts of 2001. by *Garrett.

House Bill No. 2371 -- Election Laws - Allows coordinator of elections to sell registered voter lists at price determined by secretary of state with proceeds to be deposited in "voting machine loan fund". Amends TCA Section 2-2-138. by *Jones U (Shelby), *Langster, *Bowers.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2372 -- Hospitals and Health Care Facilities - Permits for-profit hospitals to hold off-site health screenings if program is under supervision of licensed physician and if medical laboratory board has issued letter of exemption. Amends TCA Section 68-29-104. by *Hood, *Rowland, *Beavers.

House Bill No. 2373 -- Rutherford County - Subject to local approval, increases county purchasing committee from five to seven members. Amends Chapter 421 of the Private Acts of 1943; as amended. by *Hood, *Rowland, *Beavers.

House Bill No. 2374 -- Murfreesboro - Subject to local approval, revises charter with respect to vacancies in city council. Amends Chapter 429 of the Private Acts of 1931; as amended. by *Hood, *Rowland, *Beavers.

House Bill No. 2375 -- Motor Vehicles, Titling and Registration - Authorizes owner of antique motor vehicle to display license plate from era of manufacture of such antique motor vehicle if current license plate is kept in vehicle. Amends TCA Section 55-4-111. by *Hood, *Rowland, *Beavers.

House Bill No. 2376 -- Mental Illness - Excludes certain counties from requirements for transporting mentally or emotionally disturbed persons to treatment facilities. Amends TCA33-6-406. by *Hood, *Rowland, *Beavers.

***House Bill No. 2377** -- Highway Signs - "James U.L. Scott Memorial Bridge", Roaring River on S.R. 53 in Jackson County. by *Winningham.

House Bill No. 2378 -- Education - Enacts school accountability provisions of "Education Reform Act of 2001." Amends TCA Title 49. by *Winningham, *Brown, *Towns.

House Bill No. 2379 -- Education - Enacts reading initiative components from "Education Reform Act of 2001." Amends TCA Title 49. by *Winningham, *Towns, *Brown.

House Bill No. 2380 -- Education - Enacts "Education Reform Act of 2002." Amends TCA Title 49. by *Winningham, *Brown, *Towns.

House Bill No. 2381 -- Education, Dept. of - Requires department of education to develop and maintain Web site for qualified teachers seeking employment in Tennessee. Amends TCA Title 49, Chapter 1, Part 2. by *Winningham, *Towns, *Brown.

House Bill No. 2382 -- Pensions and Retirement Benefits - Increases state paid portion of insurance premiums for active and retired teachers. Amends TCA Title 8, Chapter 27. by *Winningham, *Towns, *Brown.

House Bill No. 2383 -- Oneida - Pursuant to local request, provides for issuance of \$350,000 in bonds by Oneida Special School District. by *Winningham.

***House Bill No. 2384** -- County Government - Allows precincts in county commission districts to be split upon written certification by coordinator of elections upon considering, among other things, type of voting equipment and racial makeup. Amends TCA Section 5-1-111. by *Buck, *Winningham.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2385** -- Domestic Violence - Authorizes court to require petitioner for order of protection to pay costs incurred by respondent to defend petition if court finds that petition was frivolous, filed for purpose of harassment, or had no basis in law or in fact. Amends TCA Title 36, Chapter 3, Part 6. by *Buck, *Curtiss.

***House Bill No. 2386** -- Taxes, Business - Authorizes adoption of delinquent tax collection procedures by two-thirds vote of governing body of municipality as well as county. Amends TCA Section 67-4-719. by *Bunch.

***House Bill No. 2387** -- Licenses - Permits denial of business license application if applicant has delinquent county or municipal taxes. Amends TCA Title 67, Chapter 4. by *Bunch.

***House Bill No. 2388** -- Education - Directs state board of education to limit parameters of individuals qualifying for special education services by defining special education and requiring standards to be narrowed. Amends TCA Title 49, Chapter 10. by *Bunch.

***House Bill No. 2389** -- Taxes, Business - Authorize municipal police officers, as well as sheriff, to serve and execute distress warrants for unpaid business taxes. Amends TCA Section 67-4-215. by *Bunch.

***House Bill No. 2390** -- Uniform Commercial Code - Revises UCC Article 9 with respect to notice and foreclosure to enforce security interest. Amends TCA Title 47, Chapter 9. by *Bunch.

***House Bill No. 2391** -- Workers' Compensation - Defines community in workers' compensation law to mean area within 15-mile radius of employee's residence. Amends TCA Title 50, Chapter 6. by *Bunch.

***House Bill No. 2392** -- Notary Public - Revises statute on acknowledgement of instruments by notaries public establishing that form of certificate does not establish validity; provides for presumption and burden of proof for challenges to signature. Amends TCA Title 66, Chapter 22. by *Bunch.

House Bill No. 2393 -- Financial Responsibility Law - Requires issuance of citation to driver who fails to present satisfactory evidence of financial responsibility; requires that such citation identify offense charged and indicate time and place for driver to appear in court. Amends TCA Title 55, Chapter 12, Part 1. by *Kent.

House Bill No. 2394 -- Arrests - Clarifies that officer may issue citation to person charged with violating financial responsibility law instead of keeping such person in custody. Amends TCA Section 40-7-118. by *Kent.

***House Bill No. 2395** -- Abuse - Makes various changes to Tennessee Adult Protection Act. Amends TCA Title 71, Chapter 6, Part 1. by *Rinks.

***House Bill No. 2396** -- Motor Vehicles, Titling and Registration - Establishes lower registration taxes for trucks and truck tractors owned and operated by nonprofit relief organizations. Amends TCA Title 55, Chapter 4, Part 1. by *Rinks.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2397** -- Fees - Increases electrical inspection fees. Amends TCA Title 68, Chapter 102, Part 1. by *Rinks.

***House Bill No. 2398** -- State Employees - Authorizes commissioned employee of department of environment and conservation, bureau of state parks, having at least 25 years of honorable service to retain service weapon after retiring; also applies if officer retires on disability retirement. Amends TCA Section 11-3-107. by *Rinks.

***House Bill No. 2399** -- Aged Persons - Clarifies report by officer or employee of financial institution is permissible act under financial records privacy act. Amends TCA Title 45, Chapter 10, Part 1 and Title 71, Chapter 6, Part 1. by *Rinks.

***House Bill No. 2400** -- Consumer Protection - Makes pattern of revising fees or charges incurred for purpose of confusing or deceiving consumers violation of Consumer Protection Act. Amends TCA Title 47, Chapter 18, Part 1. by *Rinks.

***House Bill No. 2401** -- Consumer Protection - Prevents expiration in less than 12 months of gift certificates with value of more than \$100. Amends TCA Title 47, Chapter 18. by *Rinks.

***House Bill No. 2402** -- Juries and Jurors - Increases compensation of jurors from at least \$10.00 to at least \$20.00. Amends TCA Section 22-4-101. by *Fowlkes.

House Bill No. 2403 -- Joint Legislative Services Committee - Extends select oversight committee on corrections from 2001 to 2005. Amends TCA Section 3-15-109. by *Pinion, *Windle, *Langster, *Todd, *McKee, *DeBerry L.

House Bill No. 2404 -- Teachers, Principals and School Personnel - Specifies conditions under which teachers retain right to remain on preferred list for re-employment. Amends TCA Section 49-5-511. by *Davis (Cocke).

***House Bill No. 2405** -- Water - Prohibits lowering of lakes 30 feet of full pool except in state or national declared disaster or emergency. Amends TCA Title 7; Title 40 and Title 69. by *Davis (Cocke).

House Bill No. 2406 -- School Districts, Special - Allows county or municipal school systems to convert to be special school districts. Amends TCA Title 49, Chapter 2, Part 5. by *Davis (Cocke).

***House Bill No. 2407** -- Cemeteries - Limits certain authority of owner of cemetery in connection with sale or installation of merchandise to be installed or set on grave site. Amends TCA Title 46, Chapter 3. by *Curtiss.

***House Bill No. 2408** -- County Officers - Requires 40 hours of in-service training that is mandatory for constables to be offered on nights and weekends. Amends TCA Title 8, Chapter 10. by *Ferguson.

***House Bill No. 2409** -- General Assembly, Directed Studies - Requires department of transportation to conduct feasibility study relative to construction of bridge to span Tennessee River on U.S. 27 in Roane County. by *Ferguson.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2410** -- Prisons and Reformatory Institutions - Allows general assembly to define duties, responsibilities, and requirements for entities to house out-of-state prisoners or detainees; requires commissioner of correction to comply with Private Prison Contracting Act if local entity commissioner selects contracts with private contractor. Amends TCA Title 4 and Title 41. by *McKee.

***House Bill No. 2411** -- Teachers, Principals and School Personnel - Allows retired teachers to be rehired immediately and removes provisions that rehiring is year-by-year. Amends TCA Section 8-36-821. by *Sharp.

***House Bill No. 2412** -- Hospitals and Health Care Facilities - Increases oversight of nursing homes in certain areas. Amends TCA Title 68. by *Arriola, *Pruitt.

***House Bill No. 2413** -- Taxes, Sales - Clarifies that local option sales tax also terminates if specific termination date is enacted by general assembly for such local option sales tax or for local option sales tax and state sales tax. Amends TCA Title 67, Chapter 6, Part 7. by *McDaniel.

***House Bill No. 2414** -- Public Health - Makes reporting of birth defects through perinatal centers permanent and statewide rather than pilot project. Amends TCA Section 68-5-506. by *Arriola.

***House Bill No. 2415** -- Motor Vehicles - Imposes \$100 fee on sale of motor vehicles at automobile auction and dedicates revenue solely to long-term care purposes. Amends TCA Title 55, Chapter 17. by *Arriola.

***House Bill No. 2416** -- Tobacco, Tobacco Products - Prohibits children under 12 from sitting in public smoking areas and subjects adults who supervise such children to \$50.00 fine. Amends TCA Title 39, Chapter 17. by *Arriola.

House Bill No. 2417 -- Real Estate Agents and Brokers - Changes grace period for reinstatement of real estate license after failure to renew from 60 days after renewal deadline to 30 days after written notice sent by real estate commission return receipt requested. Amends TCA Title 69, Chapter 13. by *Arriola.

House Bill No. 2418 -- Boards and Commissions - Combines real estate and auctioneer commissions. Amends TCA Title 4; Title 62, Chapter 13 and Title 62, Chapter 19. by *Arriola.

House Bill No. 2419 -- Growth and Development - Places property of airport with regularly scheduled commercial passenger service located in county other than county where creating municipality is located in annexation free zone. Amends TCA Title 6, Chapter 58, Part 1. by *Tindell, *Armstrong, *Jones U (Shelby).

House Bill No. 2420 -- Highway Signs - Names portion of SR 48 and SR 100 in Hickman County "Kenneth N. 'Pete' Springer Highway." by *Shepard, *Tidwell, *Ridgeway, *White.

House Bill No. 2421 -- Railroads - Requires railroad company, instead of county, to pay for signs marking public crossings. Amends TCA Title 65, Chapter 12, Part 1. by *Shepard.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2422** -- Highway Signs - "Edward Franklin Burnett Memorial Bridge", State Route 48 in Dickson. by *Shepard, *Ridgeway, *Tidwell.

House Bill No. 2423 -- Local Government, General - Requires municipalities, instead of county, to pay for railroad crossing signs within city limits. Amends TCA Title 65, Chapter 12, Part 1. by *Shepard.

***House Bill No. 2424** -- Food and Food Products - Requires commissioner of health to appoint special advisory commission to study and advise on establishment of system of labeling food products relative to freshness, stability, and perishability. Amends TCA Title 68. by *Pleasant.

***House Bill No. 2425** -- Child Custody and Support - Removes requirement that Shelby County juvenile court review actions of department of human services relative to Title IV-D child support services. Amends TCA Section 36-5-1001. by *Scroggs.

***House Bill No. 2426** -- Children - Requires facility, facility employee, or member of professional medical community to positively identify person abandoning infant; applies procedure for surrender and termination of parental rights in adoption to infant abandonment. Amends TCA Section 36-1-102; Section 36-1-142; Section 37-2-402 and Section 68-11-255. by *Todd.

***House Bill No. 2427** -- Children - Adds requirement that four-month period prior to filing termination of parental rights proceeding for willful failure to visit or support child by parent be period "with willful intent". Amends TCA Section 36-1-102. by *Todd.

***House Bill No. 2428** -- Child Custody and Support - Allows parents to request alternating primary residential custody of child; child must reside with either parent for not less than six months at time; court may deviate from order if clear convincing evidence child in danger of severe harm. Amends TCA Title 36, Chapter 6, Part 4 and Title 36, Chapter 6, Part 1. by *Todd.

***House Bill No. 2429** -- Nurses, Nursing - Establishes classification of advance practice nurse. Amends TCA Section 63-1-132; Section 63-7-106; Section 63-7-123 and Section 63-7-207. by *Odom, *Black, *Bowers, *Cole (Dyer), *Harwell, *Jones, S..

***House Bill No. 2430** -- Correction, Dept. of - Requires disclosure of inmate's test results for bloodborne pathogens to be disclosed to exposed correctional employee or law enforcement officer within 24 hours after such test results become known. Amends TCA Section 41-51-102. by *Windle.

***House Bill No. 2431** -- Tort Liability - Extends from January 1, 2005, to January 1, 2007, date on which immunity for computer system failure due to date or time changes expires. Amends TCA Title 29, Chapter 20. by *Brown.

***House Bill No. 2432** -- Education - Increases from eight to 16 number of authorized alternative education programs; increases from \$50,000 to \$75,000 amount of grants to individual school systems for such programs. Amends TCA Title 49. by *Brown.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2433** -- Health Care - Increases revenues earmarked and paid into traumatic brain injury fund administered by department of health. Amends TCA Title 68, Chapter 55, Part 3. by *Whitson.

House Bill No. 2434 -- Planning, Public - Requires planning commissioners, professional planners, planning commission members, board of zoning appeals members, building commissioners, and other officials who advise planning commission or board of zoning appeals to attend training and continuing education. Amends TCA Title 13, Chapter 3; Title 13, Chapter 4 and Title 13, Chapter 7. by *Todd.

House Bill No. 2435 -- Motor Vehicles, Titling and Registration - Authorizes issuance of Tennessee Cave Salamander new specialty earmarked license plates; allocates 50 percent of funds produced from sale thereof to wildlife resources fund. Amends TCA Title 3; Title 4; Title 54; Title 55; Title 65 and Title 67. by *Davis (Cocke).

House Bill No. 2436 -- Railroads - Requires acceptance of on-board payment of fare by conductor from passenger; authorizes supplement for on-board payment not to exceed one-fourth price of regular fare. Amends TCA Title 64 and Title 65. by *Davis (Cocke).

House Bill No. 2437 -- Motor Vehicles, Titling and Registration - Authorizes issuance of cultural license plate for Tennessee Musical Heritage. Amends TCA Title 4; Title 54; Title 55 and Title 65. by *Davis (Cocke).

House Bill No. 2438 -- Motor Vehicles, Titling and Registration - Authorizes issuance of Honeybee new specialty earmarked license plates; allocates 50 percent of funds produced from sale thereof to agricultural development fund. Amends TCA Title 55, Chapter 4. by *Davis (Cocke).

***House Bill No. 2439** -- State Employees - Authorizes board of claims to reimburse officer or employee for adjudicated damages and costs awarded against officer or employee by court of law even though officer or employee was acting in good faith in performance of duties. Amends TCA Title 9, Chapter 8. by *Tindell.

***House Bill No. 2440** -- State Employees - Authorizes board of claims to present to claims commission recommendation for reimbursement to officer or employee for damages, even if compensatory damages awarded against officer or employee in court of law, if officer or employee was acting in good faith in performing duties. Amends TCA Title 9, Chapter 8. by *Tindell.

House Bill No. 2441 -- Aircraft and Airports - Reduces board of metropolitan airport authority established by Chattanooga from nine to 11; establishes transition procedure by authorizing chief executive to dissolve current board and appoint new board with three-year staggered terms. Amends TCA Section 42-4-105. by *Wood.

***House Bill No. 2442** -- Insurance, Health, Accident - Mandates coverage of prescribed contraceptives by health insurance issuers and health benefit plans. Amends TCA Title 56, Chapter 7. by *Tindell.

***House Bill No. 2443** -- Cosmetology - Allows person to apply to operate either school of cosmetology or school of aesthetics. Amends TCA Title 62, Chapter 4. by *Johnson.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2444** -- Litter Control - Requires deposit on certain beverage containers. Amends TCA Title 68. by *Johnson.

***House Bill No. 2445** -- Education, Higher - Prohibits post-secondary institution of higher learning from issuing more parking stickers for on-campus parking than number of available parking spaces and from collecting fine if over-issuance of stickers; stickers may not restrict student to specific lot designated for student parking. Amends TCA Title 49, Chapter 7, Part 1. by *Johnson.

House Bill No. 2446 -- Divorce, Annulment and Alimony - Allows court to appoint court appointed special advocate or guardian ad litem upon action for dissolution of marriage involving minor children. Amends TCA Title 36. by *Hood.

House Bill No. 2447 -- Municipal Government - Requires county election commission to publish notice of elections involving abolishing charters for four consecutive weeks in local newspaper instead of two consecutive weeks. Amends TCA Title 6 and Title 7. by *Hood.

House Bill No. 2448 -- County Government - Extends time for utilities or carriers engaged in transportation of property to remedy condition of overgrown vegetation or accumulated debris from 20 days to 30 days excluding Saturdays, Sundays, and legal holidays. Amends TCA Title 5. by *Hood.

House Bill No. 2449 -- Workers' Compensation - Provides that wind-down provision of governmental entities review statute does not apply to special joint oversight committee on workers' compensation. Amends TCA Title 50. by *Hood.

***House Bill No. 2450** -- Controlled Substances - Enacts "Controlled Substance Monitoring Act of 2002." Amends TCA Title 53, Chapter 10. by *Shepard, *Tidwell.

House Bill No. 2451 -- Taxes - Authorizes 90-day extension of deadline for payment of property taxes and Hall income tax for members of armed forces on active duty outside United States during Operation Enduring Freedom. Amends TCA Title 67. by *Davidson.

***House Bill No. 2452** -- Libraries - Defines "publications of records" and requires state agencies and departments to send two printed copies of all publications of record to libraries designated as depositories of state documents. Amends TCA Title 12, Chapter 6, Part 1. by *Davidson.

***House Bill No. 2453** -- Traffic Safety - Provides for departments of safety and transportation to jointly develop and maintain Web site providing traffic and highway conditions to motorists. Amends TCA Title 4, Chapter 3; Title 4, Chapter 7 and Title 54. by *Davidson.

***House Bill No. 2454** -- Pensions and Retirement Benefits - Revises provisions of retirement law. Amends TCA Title 8, Chapters 34 through 38. by *Davidson.

***House Bill No. 2455** -- Taxes - Provides for relaxation of penalties on quarterly franchise and excise tax payments if adequate amount is paid due to changes in law by 2002 general assembly. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71. by *Davidson.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2456** -- Municipal Government - Allows municipalities not operating schools before 1998 to do so. Amends TCA Section 6-58-112. by *Davidson, *McDonald.

***House Bill No. 2457** -- Municipal Government - Allows municipalities to operate schools even if such municipalities did not operate schools before 1998. Amends TCA Section 6-58-112(b). by *Davidson, *McDonald.

***House Bill No. 2458** -- School Districts, Special - Lifts prohibition on creation of additional special school districts. Amends TCA Section 49-2-501. by *Davidson, *McDonald.

House Bill No. 2459 -- Robertson County - Subject to local approval, transfers duties of juvenile court matters in general sessions court from county clerk to circuit court clerk. Amends TCA. by *Davidson.

***House Bill No. 2460** -- Education - Prevents parent whose status as parent has been terminated by operation of law from obtaining child's report card. Amends TCA Title 49, Chapter 6. by *Davidson.

***House Bill No. 2461** -- Tennessee Higher Education Commission - Requires Tennessee higher education commission master plan and biennial report to include detailed justification of need for any funding increases. Amends TCA Title 49. by *Davidson.

***House Bill No. 2462** -- Education, Higher - Alters composition of committee on post secondary educational institutions. Amends TCA Title 49, Chapter 7. by *Davidson.

***House Bill No. 2463** -- Codes - Establishes requirements for statewide code and standards for built environment, fire prevention and life safety; authorizes modifications by local amendments which must be more stringent than statewide code and standards. Amends TCA Title 68, Chapter 120, Part 1. by *Head.

***House Bill No. 2464** -- Sales - Authorizes recovery of attorney fees in suit on open accounts. Amends TCA Title 29 and Title 47. by *Head.

***House Bill No. 2465** -- Contractors - Allows board for licensing contractors to establish scholarships at Tennessee institutions of higher learning for students pursuing course of study related to profession of contracting. Amends TCA Section 49-7-826 and Title 62, Chapter 6, Part 1. by *Head.

***House Bill No. 2466** -- Taxes, Real Property - Allows governing body of county of municipality to adjust tax rate on taxable property for local government cost inflation determined by board of equalization since last reappraised. Amends Section 67-5-1701. by *Cole (Dyer).

House Bill No. 2467 -- Education, Higher - Merges Nashville State Technical Institute and state technology center at Nashville into new Nashville State Technical Community College. Amends TCA Title 49, Chapter 8. by *Turner (Davidson).

House Bill No. 2468 -- Taxes - Enacts "Tax Reform Act of 2002." Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71. by *Turner (Shelby).

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2469** -- Children - Requires facility, facility employee, or member of professional medical community to positively identify person abandoning infant; applies procedure for surrender and termination of parental rights in adoption to infant abandonment. Amends TCA Section 36-1-142; Section 36-1-102; Section 37-2-402 and Section 68-11-255. by *DeBerry J.

***House Bill No. 2470** -- Children - Requires facility, facility employee, or member of professional medical community to positively identify person abandoning infant; applies procedure for surrender and termination of parental rights in adoption to infant abandonment. Amends TCA Section 36-1-102; Section 36-1-142; Section 37-2-402 and Section 68-11-255. by *DeBerry J.

***House Bill No. 2471** -- Children - Adds requirement that four-month period prior to filing termination of parental rights proceeding for willful failure to visit or support child by parent be period "with willful intent". Amends TCA Title 36, Chapter 1, Part 1. by *DeBerry J.

House Bill No. 2472 -- Dentists - Increases maximum number of continuing dental education hours that board of dentistry may require from 30 to 35. Amends TCA Title 63, Chapter 5. by *DeBerry J.

House Bill No. 2473 -- Health, Dept. of - Requires department to maintain one Level 3 laboratory in each grand division of state to analyze potential biological agents that could be used in terrorist attack. Amends TCA Title 68, Chapter 1. by *DeBerry J.

House Bill No. 2474 -- TennCare - Requires director of TennCare bureau, after consultation with director of TBI and attorney general and reporter, to report by January 1, 2003, on health care fraud to select committee on TennCare oversight. Amends TCA Title 56 and Title 71. by *DeBerry J.

House Bill No. 2475 -- Fire Prevention and Investigation - Appropriates funds for Fire and Codes Academy. Amends Chapter 435 of the Public Acts of 2001, as amended by Chapter 464 of the Public Acts of 2001. by *Phillips, *Turner (Davidson).

House Bill No. 2476 -- Child Custody and Support - Defines joint physical and legal custody; requires showing of direct physical harm or significant emotional harm to child or parent to rebut presumption joint custody in best interest of child. Amends TCA Title 36, Chapter 6, Part 1. by *Patton.

House Bill No. 2477 -- Tobacco, Tobacco Products - Redefines "tobacco products" to include beedies and bidis; prohibits sale of beedies or bidis as tobacco products to minors. Amends TCA Title 39, Chapter 17, Part 15. by *Patton.

House Bill No. 2478 -- Taxes, Ad Valorem - Permits municipalities that collect delinquent property taxes pursuant to municipal ordinance to begin collection proceedings one year after taxes become delinquent. Amends TCA Title 67, Chapter 5. by *Patton.

***House Bill No. 2479** -- Medical Occupations - Provides for suspension or revocation of licenses of health care professionals who fail to repay student loans or meet loan-related service requirements. Amends TCA Title 63. by *Patton.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2480** -- Abuse - Raises penalty for false reporting of child sexual abuse from Class E felony to Class D felony. Amends TCA Title 34; Title 35; Title 36; Title 37; Title 49 and Title 71. by *Patton.

***House Bill No. 2481** -- Child Custody and Support - Includes in report to general assembly and governor number of obligors who have been in arrears two or more times since January 31, 1998. Amends TCA Title 34; Title 35; Title 36; Title 37; Title 49 and Title 71. by *Patton.

***House Bill No. 2482** -- Child Custody and Support - Reduces from 6 months to 4 months time period within which parent may violate visitation order before other parent may petition court for relief; reduces from 20 to 15 number of days within which parent in violation must request hearing. Amends TCA Title 34; Title 35; Title 36; Title 37; Title 49 and Title 71. by *Patton.

House Bill No. 2483 -- Handgun Permits - Removes requirement that handgun carry permit holder's social security number must appear on handgun carry permit but provides that present permits displaying social security number remain valid. Amends TCA Title 39, Chapter 17, Part 13. by *Bittle.

***House Bill No. 2484** -- Law Enforcement - Creates mechanism for designation of memorial highways for law enforcement officers killed in line of duty. Amends TCA Title 54. by *Bittle.

House Bill No. 2485 -- Consumer Protection - Requires permit and background check for persons conducting home solicitation sales and imposes criminal penalty for violation of part. Amends TCA Title 47. by *Buttry.

***House Bill No. 2486** -- Planning, Public - Revises approval requirements for amendments to zoning ordinances, rules, or subdivision changes. Amends TCA Title 13, Chapter 3; Title 13, Chapter 4 and Title 13, Chapter 7. by *Boyer.

House Bill No. 2487 -- Education - Requires reports, evaluations, and consultations concerning reading education by state board of education, department of education, and THEC. Amends TCA Title 49. by *Cooper B.

House Bill No. 2488 -- County Government - Makes various changes to funding and responsibilities of county government including requiring state to purchase voting equipment for county election commissions and to compensate county election commission members; increasing percentage of litigation tax court clerks receive from 15 percent to 20 percent; increasing percentage of collected revenues county clerks receive from 5 percent to 20 percent; requiring state to compensate and provide benefits for all LEA licensed personnel; removing provision prohibiting county from collecting privilege taxes. Amends TCA Title 2; Title 8; Title 16; Title 33; Title 38; Title 41; Title 49 and Title 67. by *Head.

***House Bill No. 2489** -- Public Contracts - Establishes surety bond demand procedure; requires bonding company to pay disputed liability into escrow account. by *Head.

***House Bill No. 2490** -- Workers' Compensation - Establishes independent medical examiner mechanism for use in disputes regarding medical impairment ratings. Amends TCA Title 50, Chapter 6, Part 2. by *Head.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2491** -- Children - Requires facility, facility employee, or member of professional medical community to positively identify person abandoning infant; applies procedure for surrender and termination of parental rights in adoption to infant abandonment. Amends TCA Section 36-1-142; Section 36-1-102; Section 37-2-402 and Section 68-11-255. by *DeBerry J.

***House Bill No. 2492** -- Children - Requires facility, facility employee, or member of professional medical community to positively identify person abandoning infant; applies procedure for surrender and termination of parental rights in adoption to infant abandonment. Amends TCA Section 36-1-102; Section 36-1-142; Section 37-2-402 and Section 68-11-255. by *DeBerry J.

***House Bill No. 2493** -- Adoption - Adds requirement that four-month period prior to filing termination of parental rights proceeding for willful failure to visit or support child by parent be period "with willful intent". Amends TCA Section 36-1-102. by *DeBerry J.

***House Bill No. 2494** -- Child Custody and Support - Allows parents to request alternating primary residential custody of child; child must reside with either parent for not less than six months at time; court may deviate from order if clear convincing evidence child in danger of severe harm. Amends TCA Section 36-6-404 and Section 36-6-101. by *Bowers.

House Bill No. 2495 -- Hospitals and Health Care Facilities - Establishes methadone service areas for non-residential methadone treatment facilities. Amends TCA Title 68, Chapter 11. by *Overbey.

House Bill No. 2496 -- Insurance, Motor Vehicles - Excludes application of \$200 deductible under uninsured motor vehicle coverage in hit and run situations. Amends TCA Section 56-7-1201. by *Sharp.

House Bill No. 2497 -- County Government - Authorizes Knox County to adopt curfew for minors identical to that which municipality located within Knox County has previously adopted by ordinance. Amends TCA Title 5, Chapter 1, Part 1 and Title 39, Chapter 17, Part 17. by *Hagood, *Dunn, *Tindell, *Boyer, *Buttry, *Armstrong.

***House Bill No. 2498** -- Banks and Financial Institutions - Creates presumption that debtor is acting in bad faith when debtor obtains loan or any other advance of money or other property within 90 days prior to filing proceeding pursuant to Title 11 of United States Code. Amends TCA Title 47. by *Bunch.

***House Bill No. 2499** -- Managed Care Organizations - Expands present requirement for HMOs that limits enrollee's cost share to amount not exceeding 20 percent for in-network providers to include network providers. Amends TCA Section 56-32-204. by *Hagood, *Sargent, *Cole (Dyer), *Lewis.

House Bill No. 2500 -- Pensions and Retirement Benefits - Corrects statutory reference to superceded retirement systems within retirement benefit system election of option provision. Amends TCA Title 5, Chapter 1, Part 3; Title 8, Chapter 23; Title 8, Chapter 25; Title 8, Chapter 27; Title 8, Chapters 34 through 37 and Title 8, Chapter 50. by *Rhinehart.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2501 -- Medical Occupations - Exempts chiropractors and dentists nationally certified in acupuncture from acupuncture licensing requirements. Amends TCA Title 63, Chapter 6, Part 10. by *Kernell.

***House Bill No. 2502** -- Fire Prevention and Investigation - Requires commissioner of agriculture to develop and implement fee system for division of forestry's provision of fire protection on privately-owned forest lands, such fees to be directly assessed against respective private owners of forest land. Amends TCA Title 11, Chapter 4. by *Kernell.

***House Bill No. 2503** -- Redistricting, Legislative - Moves unpopulated census block in Shelby County from District 83 to District 93. Amends TCA Section 3-1-103. by *Kernell.

House Bill No. 2504 -- Private Protective Services - Requires airport baggage handlers and persons who inspect airline luggage to be registered as private protective guards/officers. Amends TCA Title 62, Chapter 35. by *Kernell.

House Bill No. 2505 -- Health Care - Authorizes persons acting as good samaritans who believe they may have been exposed to potentially life-threatening airborne or bloodborne diseases to be evaluated for such exposure. Amends TCA Section 68-10-117. by *Turner (Davidson).

House Bill No. 2506 -- Taxes, Hotel Motel - Removes limitation prohibiting multiple taxation of same privilege with respect to occupancy tax and limitation on city or county to levy tax in circumstances where county and/or city has levied occupancy tax where city has constructed qualifying project under Convention Center and Tourism Development Financing Act of 1998. Amends TCA Section 67-4-1425 and Section 67-4-503. by *Brown.

***House Bill No. 2507** -- Health Care - Increases membership of traumatic brain injury advisory council. Amends TCA Title 68, Chapter 55, Part 1. by *Briley.

House Bill No. 2508 -- Workers' Compensation - Adds option of taking no action to options permitted commissioner of commerce and insurance when membership in assigned risk pool reaches market threshold; market threshold is increased from 10 percent to 20 percent. Amends TCA Title 56, Chapter 5, Part 3. by *Briley.

House Bill No. 2509 -- Fines and Penalties - Clarifies that fine imposed for violation of reduced speed limit while construction workers are present is not less than \$250 nor more than \$500. Amends TCA Section 55-8-152. by *Briley.

House Bill No. 2510 -- Eminent Domain - Excludes redevelopment projects and redevelopment plans from prohibition on housing authority to take private property in urban renewal area by eminent domain for purposes of resale. Amends TCA Title 13, Chapter 20. by *Briley.

House Bill No. 2511 -- Business and Commerce - Places certain notice and disclosure requirements on covered employer who establishes drug-free workplace. Amends TCA Title 50, Chapter 6 and Title 50, Chapter 9. by *Briley.

***House Bill No. 2512** -- Education - Updates reference to superintendent or director of schools as person to whom teacher licenses are presented in each local education agency by new teachers. Amends TCA Section 49-5-101. by *Briley.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2513 -- Sexual Offenses - Earmarks first \$500 of fine imposed for commission of offenses of patronizing prostitution and promoting prostitution to sheriff's department in any county that has established program for rehabilitation and treatment of prostitutes. Amends TCA Title 39, Chapter 13, Part 5 and Title 40, Chapter 35. by *Briley.

***House Bill No. 2514** -- Education - Provides that procedure on challenging student school assignments does not apply to request for school transfer based on situations of individual hardship. Amends TCA Title 49, Chapter 6, Part 31 and Title 49, Chapter 6, Part 32. by *Briley.

***House Bill No. 2515** -- Education - Allows use of public school property by for-profit private entities. Amends TCA Section 49-2-203(b)(4) and Section 49-2-405. by *Briley.

House Bill No. 2516 -- Criminal Procedure - Clarifies that TBI's uniform procedures for DNA testing, collection, and preservation must be compatible with FBI procedures and provisions of DNA Identification Act of 1994. Amends TCA Title 38; Title 39 and Title 40. by *Briley.

House Bill No. 2517 -- Law Enforcement - Permits law enforcement officers in another state to carry firearms at all times in this state if other state also allows Tennessee officers to carry in that state and requirements for carrying in that state are substantially similar to requirements in Tennessee. Amends TCA Title 39, Chapter 17, Part 13. by *Bittle.

House Bill No. 2518 -- Law Enforcement - Permits law enforcement officers to effectuate arrest for felony offense in any jurisdiction in this state provided employing governmental entity is responsible for any liability incurred in making such arrest. Amends TCA Title 38 and Title 40. by *Bittle.

House Bill No. 2519 -- Highway Signs - "Robert E. Lillard Memorial Highway", segment of S.R. 1 (Lafayette Street) in Davidson County. by *Pruitt.

House Bill No. 2520 -- Notary Public - Requires certain notices to be posted by notaries public advertising in language other than English. Amends TCA Title 8, Chapter 16. by *Turner (Davidson).

House Bill No. 2521 -- Tobacco Master Settlement Agreement - Revises percentage distribution between health and agricultural reserve accounts for money received from tobacco settlement; revises composition and duties of committees for each account; makes appropriations to such reserve accounts. Amends TCA Title 9, Chapter 4, Part 55. by *Turner (Davidson).

House Bill No. 2522 -- Radio and Television - Increases civil penalties to aggrieved cable television company for theft of cable service from \$1,000 to \$5,000 for first violation and from \$2,000 to \$10,000 for second or subsequent violations. Amends TCA Title 7, Chapter 59. by *McMillan.

House Bill No. 2523 -- Divorce, Annulment and Alimony - Makes various changes to alimony and spousal support provisions. Amends TCA Title 36, Chapter 4; Title 36, Chapter 5; Title 36, Chapter 6 and Title 50, Chapter 2. by *McMillan.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2524 -- Business Organizations - Clarifies that unless earlier canceled, filed statement of partnership authority is canceled by operation of law on date on which statement or most recent amendment was filed with register of deeds; present statute provides such filing is with county clerk. Amends TCA Title 61. by *McMillan.

House Bill No. 2525 -- Domestic Violence - Requires that identifying information concerning petitioner that is contained in order of protection be treated as confidential by court upon filing of petition. Amends TCA Section 10-7-504. by *McMillan.

House Bill No. 2526 -- Domestic Violence - Establishes venue for all matters relating to orders of protection to be in county where petitioner or respondent resides or county where domestic abuse occurred. Amends TCA Title 36, Chapter 3, Part 6. by *McMillan.

House Bill No. 2527 -- Domestic Violence - Provides that injuries caused by domestic violence that are covered by voluntary reporting requirements of 36-3-621 do not have to be reported under mandatory reporting requirements of 38-1-101. Amends TCA Section 38-1-101. by *McMillan.

House Bill No. 2528 -- Domestic Violence - Provides that petitioner for order of protection is not required to pay, upon filing of petition, any cost associated with service of order as well as other such costs. Amends TCA Section 36-3-617. by *McMillan.

House Bill No. 2529 -- Courts, General Sessions - Increases jurisdictional limits of courts of general sessions from \$15,000 or \$25,000 to \$50,000 in all civil actions involving damage to property. Amends TCA Title 16, Chapter 15, Part 5. by *McMillan.

House Bill No. 2530 -- Criminal Offenses - Imposes additional \$200 fine against persons convicted of domestic type assault or aggravated assault and provides that revenue raised from additional fine is to be appropriated by general assembly for funding family violence shelters and shelter services. Amends TCA Title 39, Chapter 13, Part 1. by *McMillan.

House Bill No. 2531 -- Courts, General Sessions - Provides that if county moves into higher population classification based upon subsequent census, salary of general sessions judge of county shall be determined by salary of higher classification for remainder of term but shall be no less than present salary. Amends TCA Section 16-15-5001(d)(2). by *Walker .

House Bill No. 2532 -- Cooperatives - Permits electric cooperatives to make and accept charitable contributions. Amends TCA Section 65-25-205. by *Walker .

House Bill No. 2533 -- Children - Sets adult/child ratios for infants at 1:4; restores ratios for all other group sizes to ratio in effect prior to February 1, 2002. Amends TCA Title 71, Chapter 3, Part 5. by *Black.

House Bill No. 2534 -- Campaigns and Campaign Finance - Prohibits candidate from repaying loan from previous election with contributions received after such election. Amends TCA Title 2, Chapter 10. by *Hargett.

House Bill No. 2535 -- Highway Signs - "Tina Turner Highway", S.R. 19 from "Nutbush City Limits" to Brownsville city limits in Haywood County. by *Fitzhugh.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2536 -- Tennessee Bureau of Investigation - Authorizes director of TBI to commission TBI uniformed officers to protect TBI employees and facilities; authorizes such officers to carry firearms and make arrests. Amends TCA Title 38, Chapter 6. by *Kent.

House Bill No. 2537 -- Driver Licenses - Authorizes driver with intermediate license to operate motor vehicle with more than one passenger if additional passenger is grandparent or great-grandparent. Amends TCA Title 55. by *Windle.

House Bill No. 2538 -- Criminal Offenses - Creates Class D felony of tampering with public utility with intent to harm another and Class E felony of attempting or threatening to tamper with public utility. Amends TCA Title 39, Chapter 14, Part 4. by *Scroggs.

House Bill No. 2539 -- Safety, Dept. of - Authorizes and regulates use of electric personal assistive mobility device. Amends TCA Title 55. by *Ridgeway.

House Bill No. 2540 -- Insurance, Life - Changes time interest begins to run on claim for benefits under life insurance policy or annuity based on death from 10th working day following date death certificate received to 15th day following date of death; interest to compound annually for period not to exceed three years from such date. Amends TCA Title 56, Chapter 7. by *Sargent.

House Bill No. 2541 -- Courts, General Sessions - Revises census figures applicable to Knox County by 1980 census to eliminate application to Hamilton County of law giving sole and exclusive jurisdiction to general sessions court over municipal courts in county for motor vehicle and DUI fines, forfeitures, and penalties. Amends TCA Section 40-4-121. by *Wood.

***House Bill No. 2542** -- DUI/DWI Offenses - Increases fee payable to impaired drivers trust fund upon DUI conviction from \$5.00 to \$10.00. Amends TCA Title 55, Chapter 10, Part 4. by *Patton.

House Bill No. 2543 -- TennCare - Revises procedures for provider appeals of denials of claims by managed care organizations. Amends TCA Title 4 and Title 56. by *Kisber.

House Bill No. 2544 -- Taxes, Franchise - Authorizes taxpayer as successor of non-taxpaying entity to claim jobs franchise tax credit if certain conditions are met. Amends TCA Title 67, Chapter 4, Part 20 and Title 67, Chapter 4, Part 21. by *Kisber.

House Bill No. 2545 -- Criminal Offenses - Makes act of terrorism and possession of biological or chemical warfare agents crime; makes act of terrorism aggravating factor for purposes of imposing death penalty; enhances criminal penalties for other activities relating to terrorism or hoaxes. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 19; Title 20; Title 21; Title 22; Title 23; Title 24; Title 28; Title 29; Title 33; Title 37; Title 38; Title 39; Title 40; Title 41; Title 42; Title 43; Title 45; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69 and Title 71. by *Kisber.

House Bill No. 2546 -- Mobile Homes and Manufactured Buildings - Requires commissioner of commerce and insurance periodically to update investigation and examination of engineering and safety practices pertaining to manufactured homes. Amends TCA Title 68, Chapter 126. by *Kisber.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2547 -- Health Care - Prohibits health maintenance organizations and medical service provider plans from disallowing prior authorized procedures. Amends TCA Title 56 and Title 71. by *Curtiss.

House Bill No. 2548 -- Managed Care Organizations - Prohibits MCOs and medical service provider representatives from recharacterizing procedures deemed non-experimental for federal health care programs as experimental procedures to avoid payment to medical services providers. Amends TCA Title 56 and Title 71. by *Curtiss.

House Bill No. 2549 -- Flags - Requires public school students to recite pledge of allegiance daily, unless student or parent objects to student's participation on religious, philosophical, or other grounds; establishes requirements for participation and non-participation in such exercise. Amends TCA Title 49, Chapter 6. by *Davis (Washington), *Godsey, *Mumpower.

House Bill No. 2550 -- Mental Retardation - Requires commissioner of mental health and developmental disabilities to report by January 1, 2003, to house health and human resources committee and senate general welfare committee on adequacy of number of ICF/MR beds. Amends TCA Title 68 and Title 71. by *Kisber.

***House Bill No. 2551** -- Highway Signs - "Veterans Memorial Bridge," S.R. 30 in Bledsoe County. by *Rhinehart.

House Bill No. 2552 -- Sequatchie County - Subject to local approval, decreases school board from nine to eight members; provides for terms and election of such members. by *Rhinehart.

House Bill No. 2553 -- Open Meetings - Authorizes notice of public meetings via Internet Web site maintained by governmental bodies. Amends TCA Section 8-44-103. by *Clem.

House Bill No. 2554 -- Hospitals and Health Care Facilities - Includes limited liability company among entities that must be licensed before operating health care facilities licensed by board for licensing health care facilities. Amends TCA Title 68, Chapter 11. by *Jones, S..

House Bill No. 2555 -- Taxes, Excise - Revises scope of medical supplies allowed hospital companies as credit against franchise/excise tax. Amends TCA Title 67, Chapter 4. by *Jones, S..

House Bill No. 2556 -- General Assembly - Makes Open Meetings Act applicable to general assembly or committee, subcommittee, or ad hoc committee of general assembly so long as quorum present. Amends TCA Title 8, Chapter 44, Part 1. by *Turner (Davidson), *Davis (Washington).

House Bill No. 2557 -- General Assembly - Requires LIS for general assembly to develop system to enable all roll-call votes taken by general assembly, or committee or subcommittee of general assembly, to be posted on Internet through Web site maintained by general assembly. Amends TCA Title 3, Chapter 16, Part 1 and Title 3, Chapter 2, Part 1. by *Turner (Davidson), *Davis (Washington).

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2558 -- Criminal Offenses - Requires judge to permanently revoke driver license of person convicted of aggravated vehicular homicide; creates Class C felony offense of person operating motor vehicle while license revoked for aggravated vehicular homicide; and requires person convicted of aggravated vehicular homicide to serve at least 85 percent of sentence imposed. Amends TCA Title 39, Chapter 13, Part 2 and Title 40, Chapter 35, Part 5. by *Boyer.

House Bill No. 2559 -- Disabled Persons - Permits veterans who hold Purple Heart license plates to park in spaces reserved for physically disabled; extends free parking and other statutory parking courtesies for disabled persons to Purple Heart license plate holders. Amends TCA Title 55, Chapter 4, Chapter 8 and Chapter 21. by *Baird.

House Bill No. 2560 -- Pensions and Retirement Benefits - Provides grants of additional years of creditable service for certain state employees and teachers to allow early full retirement. Amends TCA Title 8, Chapter 36. by *Baird.

House Bill No. 2561 -- Child Custody and Support - Allows parents to request alternating primary residential custody of child; child must reside with either parent for not less than six months at time; court may deviate from order if clear convincing evidence child in danger of severe harm. Amends TCA Section 36-6-404 and Section 36-6-101. by *Baird.

House Bill No. 2562 -- University of Tennessee - Authorizes UTC and UT Martin to enroll certain out-of-state students without charging out-of-state tuition rates. Amends TCA Title 49, Chapter 9. by *Pinion, *Maddox, *Kent, *Ridgeway, *Hargett, *Todd.

House Bill No. 2563 -- Athens - Subject to local approval, revises residency requirement for voting in city elections, bid requirements for purchases by school board, and other charter provisions regarding civil penalties. Amends Chapter 455 of the Private Acts of 1953; as amended. by *McKee.

House Bill No. 2564 -- Growth and Development - Requires TACIR to monitor, on continuing basis, implementation of growth planning law and to periodically report its findings and recommendations to general assembly. Amends TCA Section 6-58-113. by *Turner (Shelby).

House Bill No. 2565 -- Local Education Agency - Requires LEAs to make their operating policies available and accessible on their Web sites if such LEA's policies are kept in electronic format and if the LEA maintains website. Amends TCA Section 49-2-207. by *Winningham.

***House Bill No. 2566** -- Abortion - Adds ambulatory surgical treatment centers performing abortions to those health care facilities that are to be subject only to those inspections necessary to carry out state or federal law. Amends TCA Title 68, Chapter 11. by *Dunn.

House Bill No. 2567 -- Lafayette - Subject to local approval, revises election provisions for council members. by *Buck.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2568 -- Taxes, Income - Requires affirmative vote of three-fifths of members of senate and house to increase rate of Hall income tax or any other tax measured by income. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71 relative to taxation. by *Buck.

House Bill No. 2569 -- Taxes, Sales - Requires affirmative vote of three-fifths of members of senate and house to increase rate of sales tax. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71 relative to taxation. by *Buck.

House Bill No. 2570 -- Courts - Permits any authorized person to serve process; revises fee schedules for service of process. Amends TCA Title 8, Chapter 21, Part 9; Title 8, Chapter 8 and Title 16, Chapter 15, Part 9. by *Buck.

***House Bill No. 2571** -- Law Enforcement - Revises membership of Tennessee peace officer standards and training commission. Amends TCA Title 38. by *Buck.

House Bill No. 2572 -- Civil Procedure - Clarifies that deposition cannot be taken before attorney but that attorney can still take deposition provided attorney is acting in official capacity when doing so. Amends TCA Section 24-9-136. by *Buck.

House Bill No. 2573 -- Criminal Offenses - Creates Class D felony offense of possessing ephedrine or pseudoephedrine with intent to manufacture amphetamine or methamphetamine. Amends TCA Title 39, Chapter 17. by *Buck.

House Bill No. 2574 -- Criminal Offenses - Creates Class D felony of criminal exposure to drug trafficking which is manufacture, delivery, or sale of Schedule I or II controlled substance while accompanied by child under 13. Amends TCA Title 39, Chapter 17, Part 4. by *Buck.

House Bill No. 2575 -- Criminal Offenses - Creates Class D felony offense of using two or more objects that constitute drug paraphernalia in combination to make amphetamine or methamphetamine and Class C felony if offense occurs on property open for public lodging. Amends TCA Title 39, Chapter 17, Part 4. by *Buck.

House Bill No. 2576 -- Criminal Offenses - Creates Class E felony offense of possession of substance with intent to use it to manufacture controlled substance or convey it to another for such use but does not apply to persons licensed to dispense or prescribe controlled substance. Amends TCA Title 39, Chapter 17, Part 4. by *Buck.

House Bill No. 2577 -- Evidence - Makes possession of more than five grams of ephedrine or more than nine grams of pseudoephedrine in combination with two or more objects of drug paraphernalia prima facie evidence person was manufacturing amphetamine or methamphetamine. Amends TCA Title 39, Chapter 17, Part 4. by *Buck.

House Bill No. 2578 -- Education - Establishes nutrition guidelines for food sold to students at school during breaks and from vending machines. Amends TCA Title 49 and Title 71. by *Fowlkes.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2579** -- Children - Bans compensation for teen court participants but permits youth to receive tokens of appreciation and to be reimbursed for travel expenses. Amends TCA Title 37, Chapter 1, Part 7. by *Fowlkes.

House Bill No. 2580 -- Probate Law - Makes certain changes relative to wills, probate, and estates Amends TCA Title 26; Title 30; Title 31; Title 32; Title 33; Title 35 and Title 66. by *Fowlkes.

House Bill No. 2581 -- Insurance Companies, Agents, Brokers, Policies - Changes requirements concerning where insurer's principal place of business and primary executive, administrative, and home office and all original books and records are to be located. Amends TCA Section 56-2-104. by *Fowlkes.

***House Bill No. 2582** -- Education - Re-enacts TCA Section 49-7-2207 on reporting of student offenses. Amends TCA Title 49. by *DeBerry J.

House Bill No. 2583 -- Child Custody and Support - Clarifies and reorganizes alimony and child support statute. Amends TCA Title 36. by *DeBerry J.

House Bill No. 2584 -- Day Care - Sets state reimbursement rate for day care for low-income families at 75 percent of average market day care costs. Amends TCA Title 71, Chapter 1, Part 1. by *Chumney.

House Bill No. 2585 -- Criminal Offenses - Creates offense of distributing or delivering, as act of terrorism or as hoax, biological warfare agent, chemical warfare agent, or nuclear or radiological agent, without regard to whether such substance is in fact genuine. Amends TCA Title 39, Chapter 13. by *West.

House Bill No. 2586 -- Medical Occupations - Prohibits health care professional or facility licensed by board for licensing health care facilities from permitting employee to give shot or penetrate skin of patient with needle unless employee is certified or licensed in Tennessee as health care professional whose scope of practice lawfully permits such procedure. Amends TCA Title 63 and Title 68. by *West.

House Bill No. 2587 -- Criminal Offenses - Makes assault against law enforcement officer who is on duty and that results in bodily injury to officer Class D felony. Amends TCA Title 39, Chapter 13, Part 1. by *West.

House Bill No. 2588 -- Environment and Conservation, Department of - Authorizes radiation machines to be inspected by qualified individuals; such inspections shall be subject to random surveys by department. Amends TCA Section 68-202-503. by *West.

House Bill No. 2589 -- Real Property - Increases from 20 days to 30 days after having received notice, time period in which owner of real property who is carrier engaged in transportation of property or utility transmitting communications, electricity, gas, liquids, steam, or sewerage must remedy condition of real property with overgrown vegetation or accumulated debris, before county remedies such condition and assesses costs thereof against owner. Amends TCA Title 5, Chapter 1. by *West.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2590 -- Municipal Government - Requires municipal governments to pay for graffiti removal on private property if municipal government determines such graffiti is public nuisance. Amends TCA Section 6-54-127. by *West.

House Bill No. 2591 -- Private Protective Services - Assigns personal, civil, and criminal liability to private security guard using unauthorized deadly force. Amends TCA Title 62. by *West.

House Bill No. 2592 -- Private Protective Services - Requires trainers and managers of private protective services companies to have six hours of continuing education annually. Amends TCA Title 62, Chapter 35. by *West.

House Bill No. 2593 -- Workers' Compensation - Requires annual report of employers without workers' compensation coverage to specify how long such employers were without coverage Amends TCA Section 50-6-132. by *West.

House Bill No. 2594 -- State Government - Requires state to notify Immigration and Naturalization Service of identity of any person who does not have social security number and applies to state for any benefit or service. Amends TCA. by *West.

House Bill No. 2595 -- Handgun Permits - Relaxes prohibitions on carrying handguns in certain circumstances. Amends TCA Title 39, Chapter 17, Part 13 and Title 70, Chapter 4. by *West.

House Bill No. 2596 -- Firearms and Ammunition - Prohibits local units of government from utilizing zoning provisions relative to health and safety that were enacted subsequent to sport shooting range beginning operation to restrict or prohibit use or operation of such range, provided range was in compliance with applicable standards at time operation began. Amends TCA Title 39, Chapter 17, Part 3. by *West.

House Bill No. 2597 -- Clerks, Court - Requires court clerks in four major metro areas that have computerized case information to make such information available to public on Internet without charge; administrative office of courts is to provide technical assistance to clerks. Amends TCA Title 16 and Title 18. by *West.

House Bill No. 2598 -- Handgun Permits - Deletes Tennessee residency requirement to obtain handgun carry permit. Amends TCA Title 39, Chapter 17, Part 13. by *West.

House Bill No. 2599 -- Handgun Permits - Liberalizes reciprocity requirements for handgun permits. Amends TCA Title 39, Chapter 17, Part 13. by *West.

House Bill No. 2600 -- Firearms and Ammunition - Extends time sale of confiscated weapon shall be advertised in daily or weekly newspaper from not less than three editions and not less than 30 days to not less than four editions and not less than 40 days. Amends TCA Title 39, Chapter 17, Part 13. by *West.

House Bill No. 2601 -- Handgun Permits - Enacts "Handgun Carry Permit Records Disclosure Act." Amends TCA Title 10, Chapter 7 and Title 55, Chapter 2. by *West.

House Bill No. 2602 -- Education - Requires curriculum in public schools to have firearms safety component. Amends TCA Title 49. by *West.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2603 -- Firearms and Ammunition - Removes \$10.00 fee charged to gun dealers by TBI for background checks. Amends TCA Section 39-17-1316. by *West.

House Bill No. 2604 -- Mental Health and Developmental Disabilities, Dept. of - Requires department to enter into lease for property adjacent to Cloverbottom Developmental Center. by *West.

House Bill No. 2605 -- Private Protective Services - Requires proprietary security organizations to pay same fees as contract security companies; requires employees of proprietary security companies to be trained by certified trainers. Amends TCA Title 62, Chapter 35. by *West.

House Bill No. 2606 -- Private Protective Services - Changes administration of private protective services from commissioner of commerce and insurance to private protective services commission. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 35. by *West.

House Bill No. 2607 -- Consumer Protection - Enacts "Tennessee Computer Lemon Act of 2002." Amends TCA Title 47, Chapter 18. by *West.

House Bill No. 2608 -- Law Enforcement - Requires law enforcement firing ranges be open to public when such ranges are not being used by law enforcement personnel. Amends TCA Title 38, Chapter 8. by *West.

House Bill No. 2609 -- Workers' Compensation - Requires employers with over five years workers' compensation experience to be evaluated on their risk history rather than on their industry classification. Amends TCA Title 50, Chapter 6 and Title 56, Chapter 5. by *West.

House Bill No. 2610 -- Firearms and Ammunition - Requires persons teaching firearm courses to be certified by commissioner of commerce and insurance. Amends TCA Title 4; Title 39, Chapter 17; Title 62 and Title 70. by *West.

House Bill No. 2611 -- Firearms and Ammunition - Requires buildings owned or managed by state or local governmental entities in which weapons are prohibited to provide secure area for visitors to building to leave their weapons. Amends TCA Section 39-17-1359. by *West.

House Bill No. 2612 -- Zoning - Prohibits county legislative bodies from regulating appearance of buildings unless such appearance adversely affects health and safety of others. Amends TCA Title 13, Chapter 7. by *West.

House Bill No. 2613 -- Law Enforcement - Requires law enforcement officers working security in Davidson County, if Davidson County is not their primary county, to notify chief law enforcement officer; requires such law enforcement officer to wear insignia or lettering designating such officer's primary county. Amends TCA Title 8, Chapter 8 and Title 62, Chapter 35, Part 1. by *West.

House Bill No. 2614 -- State Government - Revises employee suggestion award program. Amends TCA Title 4, Chapter 27, Part 1. by *West.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2615 -- Motor Vehicles, Titling and Registration - Specifies certain policies and procedures relative to issuance of military cultural plates. Amends TCA Title 55, Chapter 4, Part 2. by *Rowland.

House Bill No. 2616 -- Education - Establishes pilot program to provide reading instruction assistance to certain low performing elementary schools. Amends TCA Title 49, Chapter 1, Part 2. by *Towns.

House Bill No. 2617 -- Education, Dept. of - Directs commissioner to expand and periodically update advisory guidelines for safe schools to include appropriate discussion of principles and procedures, as well as statutory and case analyses, to ensure that zero tolerance policies do not produce irrational outcomes. Amends TCA Section 49-1-214; Section 49-6-3401 and Section 49-6-4216. by *Towns.

House Bill No. 2618 -- Courts, General Sessions - Confers upon master of environmental court of Davidson County same authority as general sessions judge to issue process and conduct proceedings to which master is assigned. Amends Chapter 212 of the Public Acts of 1993. by *Briley, *Jones, S., *Turner (Davidson), *Langster, *Pruitt.

***House Bill No. 2619** -- Correctional Programs - Provides that judge of circuit or criminal court as well as general sessions court can order misdemeanor sentenced to county jail or workhouse be placed on work release. Amends TCA Title 41, Chapter 2, Part 1. by *Briley.

House Bill No. 2620 -- Liens - Expands methods of delivering notice of nonpayment for mechanics and materialmen's liens to owner and contractor contracting with owner from only registered or certified mail, return receipt requested, to include hand delivery, other commercial delivery service, and electronic mail, all with confirmation of delivery. Amends TCA Section 66-11-145. by *White, *Sargent.

***House Bill No. 2621** -- Public Utilities - Specifies that interexchange carriers are public utilities and are regulated by Tennessee regulatory authority. Amends TCA Title 65; Chapter 4 Part 1. by *Odom.

House Bill No. 2622 -- Criminal Offenses - Creates criminal offense of theft of rock or stone walls punishable as Class C misdemeanor. Amends TCA Title 39, Chapter 14, Part 1. by *Odom.

House Bill No. 2623 -- Law Enforcement - Requires peace officer standards and training commission to issue certificate of compliance to university security officer who meets qualifications for employment as police officer and who satisfactorily completes approved recruit training program. Amends TCA Title 38, Chapter 8, Part 1. by *Patton.

House Bill No. 2624 -- Aged Persons - Establishes pilot project with Tennessee Edenizing Foundation, Inc., to provide services to elderly in home and community settings in order to avoid nursing home care for such elderly; deletes existing pilot project. Amends TCA Title 71, Chapter 5, Part 1. by *Arriola.

House Bill No. 2625 -- County Government - Removes provisions for county appointment of project superintendents who supervise erection of new jail or courthouse. Amends TCA Title 5, Chapter 7, Part 1. by *Bittle.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2626 -- Handgun Permits - Permits waiver of completion of department of safety approved handgun safety course and lowers permit processing fee for certain law enforcement officials. Amends TCA Title 39, Chapter 17, Part 13. by *Bittle.

House Bill No. 2627 -- Boards and Commissions - Creates commission for efficient government to review fees charged by governmental entities. Amends TCA Title 4, Chapter 29. by *Bowers.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 2109** -- Statutes -- House Judiciary Committee

***House Bill No. 2110** -- Zoning -- House State and Local Government Committee

House Bill No. 2111 -- Evidence -- House Judiciary Committee

House Bill No. 2112 -- Criminal Procedure -- House Judiciary Committee

***House Bill No. 2113** -- Education -- House Education Committee

***House Bill No. 2114** -- Liens -- House Judiciary Committee

House Bill No. 2115 -- Claims Commission, Tennessee -- House Judiciary Committee

***House Bill No. 2116** -- Driver Licenses -- House Judiciary Committee

House Bill No. 2117 -- Coffee County -- Local Bill Held on House Desk

***House Bill No. 2118** -- Alcoholic Beverages -- House State and Local Government Committee

House Bill No. 2119 -- Taxes, Inheritance Gift -- House Finance, Ways and Means Committee

***House Bill No. 2120** -- Parks, Natural Areas Preservation -- House Conservation and Environment Committee

***House Bill No. 2121** -- Food and Food Products -- House Government Operations Committee

***House Bill No. 2122** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

***House Bill No. 2123** -- Local Government, General -- House State and Local Government Committee

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2124** -- Domestic Violence -- House Children and Family Affairs Committee

***House Bill No. 2125** -- Teachers, Principals and School Personnel -- House Education Committee

***House Bill No. 2126** -- Courts, Supreme Court of Tennessee -- House Judiciary Committee

***House Bill No. 2127** -- Divorce, Annulment and Alimony -- House Children and Family Affairs Committee

***House Bill No. 2128** -- Public Defenders -- House Judiciary Committee

***House Bill No. 2129** -- Judges and Chancellors -- House Judiciary Committee

House Bill No. 2130 -- Lauderdale County -- Local Bill Held on House Desk

***House Bill No. 2131** -- Election Laws -- House State and Local Government Committee

***House Bill No. 2132** -- Election Laws -- House State and Local Government Committee

House Bill No. 2133 -- Insurance, Health, Accident -- House Commerce Committee

***House Bill No. 2134** -- Arbitration -- Caption Bill Held on House Desk

***House Bill No. 2135** -- Zoning -- Caption Bill Held on House Desk

***House Bill No. 2136** -- Corporations, For Profit -- Caption Bill Held on House Desk

***House Bill No. 2137** -- Mental Health and Developmental Disabilities, Dept. of -- Caption Bill Held on House Desk

***House Bill No. 2138** -- Motor Vehicles -- Caption Bill Held on House Desk

***House Bill No. 2139** -- Consumer Protection -- House Consumer and Employee Affairs Committee

House Bill No. 2140 -- Smithville -- Local Bill Held on House Desk

***House Bill No. 2141** -- DUI/DWI Offenses -- House Judiciary Committee

***House Bill No. 2142** -- Home Improvement Contractors -- Caption Bill Held on House Desk

***House Bill No. 2143** -- Safety, Dept. of -- Caption Bill Held on House Desk

***House Bill No. 2144** -- Firearms and Ammunition -- House Judiciary Committee

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2145** -- County Government -- House State and Local Government Committee

***House Bill No. 2146** -- Tennessee Bureau of Investigation -- Caption Bill Held on House Desk

***House Bill No. 2147** -- Criminal Procedure -- House Judiciary Committee

***House Bill No. 2148** -- Safety, Dept. of -- Caption Bill Held on House Desk

***House Bill No. 2149** -- Tort Liability -- Caption Bill Held on House Desk

***House Bill No. 2150** -- Tort Liability -- Caption Bill Held on House Desk

***House Bill No. 2151** -- Transportation, Dept. of -- Caption Bill Held on House Desk

***House Bill No. 2152** -- Workers' Compensation -- Caption Bill Held on House Desk

***House Bill No. 2153** -- Zoning -- House State and Local Government Committee

***House Bill No. 2154** -- Hospitals and Health Care Facilities -- House Judiciary Committee

***House Bill No. 2155** -- Civil Procedure -- Caption Bill Held on House Desk

House Bill No. 2156 -- Child Custody and Support -- House Children and Family Affairs Committee

House Bill No. 2157 -- Court Rules -- House Judiciary Committee

House Bill No. 2158 -- Courts -- House Judiciary Committee

House Bill No. 2159 -- Taxes, Litigation -- House Judiciary Committee

House Bill No. 2160 -- Criminal Offenses -- House Judiciary Committee

***House Bill No. 2161** -- Taxes, Motor Vehicle -- Caption Bill Held on House Desk

House Bill No. 2162 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2163 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2164 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2165 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2166 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2167 -- Sunset Laws -- House Government Operations Committee

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2168 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2169 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2170 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2171 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2172 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2173 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2174 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2175 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2176 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2177 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2178 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2179 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2180 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2181 -- Sunset Laws -- House Government Operations Committee

House Bill No. 2182 -- Sunset Laws -- House Government Operations Committee

***House Bill No. 2183** -- Alcoholic Beverage Commission -- Caption Bill Held on House Desk

***House Bill No. 2184** -- Limitation of Actions -- House Judiciary Committee

***House Bill No. 2185** -- Evidence -- House Judiciary Committee

***House Bill No. 2186** -- Education, Higher -- House Education Committee

***House Bill No. 2187** -- Appropriations -- House Finance, Ways and Means Committee

***House Bill No. 2188** -- Financial Responsibility Law -- House Transportation Committee

***House Bill No. 2189** -- Safety, Dept. of -- House State and Local Government Committee

House Bill No. 2190 -- Carter County -- Local Bill Held on House Desk

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

- House Bill No. 2191** -- Highway Signs -- House Transportation Committee
- *House Bill No. 2192** -- Workers' Compensation -- House Consumer and Employee Affairs Committee
- *House Bill No. 2193** -- Highway Signs -- House Transportation Committee
- *House Bill No. 2194** -- Landlord and Tenant -- House Judiciary Committee
- *House Bill No. 2195** -- Attorneys at Law -- Caption Bill Held on House Desk
- *House Bill No. 2196** -- Workers' Compensation -- House Consumer and Employee Affairs Committee
- *House Bill No. 2197** -- Local Government, General -- Caption Bill Held on House Desk
- *House Bill No. 2198** -- Courts, General Sessions -- Caption Bill Held on House Desk
- *House Bill No. 2199** -- County Government -- Caption Bill Held on House Desk
- *House Bill No. 2200** -- Taxes, Real Property -- Caption Bill Held on House Desk
- *House Bill No. 2201** -- Taxes, Real Property -- Caption Bill Held on House Desk
- *House Bill No. 2202** -- Education -- House Education Committee
- *House Bill No. 2203** -- Sheriffs -- Caption Bill Held on House Desk
- *House Bill No. 2204** -- Child Custody and Support -- House Children and Family Affairs Committee
- *House Bill No. 2205** -- Education -- House Education Committee
- *House Bill No. 2206** -- Child Custody and Support -- House Children and Family Affairs Committee
- *House Bill No. 2207** -- Child Custody and Support -- House Children and Family Affairs Committee
- *House Bill No. 2208** -- Workers' Compensation -- House Consumer and Employee Affairs Committee
- *House Bill No. 2209** -- Courts, Juvenile -- Caption Bill Held on House Desk
- *House Bill No. 2210** -- Driver Licenses -- House Transportation Committee
- *House Bill No. 2211** -- Insurance Companies, Agents, Brokers, Policies -- Caption Bill Held on House Desk

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2212** -- Medical Occupations -- House Health and Human Resources Committee

***House Bill No. 2213** -- Public Contracts -- House State and Local Government Committee

***House Bill No. 2214** -- Criminal Procedure -- House Judiciary Committee

***House Bill No. 2215** -- Criminal Procedure -- House Judiciary Committee

***House Bill No. 2216** -- Education -- Caption Bill Held on House Desk

House Bill No. 2217 -- Education -- Caption Bill Held on House Desk

***House Bill No. 2218** -- Education -- Caption Bill Held on House Desk

***House Bill No. 2219** -- Administrative Procedure (UAPA) -- House Government Operations Committee

***House Bill No. 2220** -- Taxes, Tobacco, Tobacco Products -- House Finance, Ways and Means Committee

***House Bill No. 2221** -- Appropriations -- House Finance, Ways and Means Committee

***House Bill No. 2222** -- Animals and Animal Cruelty -- House Conservation and Environment Committee

***House Bill No. 2223** -- Adoption -- House Children and Family Affairs Committee

House Bill No. 2224 -- Taxes, Hotel Motel -- House State and Local Government Committee

House Bill No. 2225 -- Aged Persons -- Caption Bill Held on House Desk

***House Bill No. 2226** -- Taxes, Real Property -- House State and Local Government Committee

***House Bill No. 2227** -- Taxes -- House State and Local Government Committee

***House Bill No. 2228** -- Aged Persons -- House Government Operations Committee

House Bill No. 2229 -- Tennessee Housing Development Agency -- House State and Local Government Committee

House Bill No. 2230 -- Aged Persons -- Caption Bill Held on House Desk

***House Bill No. 2231** -- Corporations, Not for Profit -- House Judiciary Committee

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2232 -- Telecommunications -- House State and Local Government Committee

***House Bill No. 2233** -- Consumer Protection -- House Consumer and Employee Affairs Committee

***House Bill No. 2234** -- Consumer Protection -- House Consumer and Employee Affairs Committee

***House Bill No. 2235** -- Consumer Protection -- House Consumer and Employee Affairs Committee

***House Bill No. 2236** -- Consumer Protection -- House Consumer and Employee Affairs Committee

***House Bill No. 2237** -- Forest and Forest Products -- House Government Operations Committee

***House Bill No. 2238** -- Funeral Directors and Embalmers -- House Government Operations Committee

***House Bill No. 2239** -- Health Care -- House Health and Human Resources Committee

***House Bill No. 2240** -- Food and Food Products -- House Health and Human Resources Committee

***House Bill No. 2241** -- Private Investigators -- House Commerce Committee

House Bill No. 2242 -- Day Care -- House Health and Human Resources Committee

***House Bill No. 2243** -- Civil Procedure -- House Judiciary Committee

***House Bill No. 2244** -- Employees, Employers -- House Consumer and Employee Affairs Committee

***House Bill No. 2245** -- Employees, Employers -- House Consumer and Employee Affairs Committee

***House Bill No. 2246** -- Highways, Roads and Bridges -- House Transportation Committee

***House Bill No. 2247** -- Employees, Employers -- House Consumer and Employee Affairs Committee

***House Bill No. 2248** -- Railroads -- House Transportation Committee

***House Bill No. 2249** -- Pest Control -- Caption Bill Held on House Desk

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2250** -- Environmental Preservation -- House Judiciary Committee

***House Bill No. 2251** -- Taxes, Real Property -- House State and Local Government Committee

***House Bill No. 2252** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

***House Bill No. 2253** -- Public Contracts -- House State and Local Government Committee

***House Bill No. 2254** -- Public Contracts -- House Finance, Ways and Means Committee

***House Bill No. 2255** -- DUI/DWI Offenses -- House Health and Human Resources Committee

House Bill No. 2256 -- Taxes, Real Property -- House State and Local Government Committee

House Bill No. 2257 -- Highway Signs -- House Transportation Committee

***House Bill No. 2258** -- Foster Care -- House Health and Human Resources Committee

House Bill No. 2259 -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee

***House Bill No. 2260** -- Railroads -- House Transportation Committee

***House Bill No. 2261** -- Railroads -- House Transportation Committee

***House Bill No. 2262** -- Railroads -- House Transportation Committee

House Bill No. 2263 -- Health, Dept. of -- House Health and Human Resources Committee

House Bill No. 2264 -- Education -- House Education Committee

House Bill No. 2265 -- Taxes, Sales -- House Finance, Ways and Means Committee

House Bill No. 2266 -- Motor Vehicles, Titling and Registration -- House Transportation Committee

House Bill No. 2267 -- Hotels and Restaurants -- Caption Bill Held on House Desk

House Bill No. 2268 -- District Attorneys -- House Judiciary Committee

House Bill No. 2269 -- Funeral Directors and Embalmers -- House Transportation Committee

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2270** -- Fire Prevention and Investigation -- House Commerce Committee

***House Bill No. 2271** -- Public Health -- House Health and Human Resources Committee

***House Bill No. 2272** -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee

House Bill No. 2273 -- Medical Occupations -- House Government Operations Committee

House Bill No. 2274 -- Education -- House Education Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **January 22, 2002**, reported the following:

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 277 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

House Bill No. 150 -- Cocke County - Subject to local approval, declares shipment, possession, use, or sale of fireworks to be illegal act other than for public display by holders of permit for public display. by *Davis (Cocke). (SB26 by *Haun)

House Bill No. 2042 -- Medina - Subject to local approval, revises charter. Amends Chapter 96 of the Private Acts of 1991. by *Phelan. (SB2003 by *Carter)

House Bill No. 2102 -- Sevier County - Subject to local approval, creates five school board districts of substantially equal population. - Repeals Chapter 380 of the Private Acts of 1927; as amended. by *Montgomery. (SB2163 by *Clabough)

House Bill No. 2103 -- Sevier County - Subject to local approval, permits Sevier County to elect general sessions court clerk. Amends Chapter 104 of the Private Acts of 1998. by *Montgomery. (SB2061 by *Clabough)

House Resolution No. 186 -- Memorials, Personal Occasion - Mr. and Mrs. Walter E. Tittle, Sr., 50th Wedding Anniversary. by *Patton.

House Resolution No. 187 -- Memorials, Personal Occasion - Mr. And Mrs. Ralph Hill, 50th Wedding Anniversary. by *Patton.

House Resolution No. 188 -- Memorials, Personal Occasion - Mr. and Mrs. Roy L. Bailey, 50th Wedding Anniversary. by *Patton.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Resolution No. 189 -- Memorials, Personal Occasion - Reverend and Mrs. Roy J. Cooper, 50th wedding anniversary. by *Patton.

House Resolution No. 190 -- Memorials, Recognition - Lea Cavender. by *Davis (Cocke).

House Resolution No. 191 -- Memorials, Congratulations - Clifford Anderson. by *Phillips.

House Joint Resolution No. 618 -- Memorials, Heroism - Personnel of New York City Fire and Police Departments, Port Authority Police Department, and emergency medical personnel and other responders who died or were injured during events of September 11, 2001. by *Miller L.

House Joint Resolution No. 619 -- Memorials, Professional Achievement - Marily Humphreys Gaines, Bartlett High School English Teacher. by *Pleasant.

House Joint Resolution No. 620 -- Memorials, Sports - Germantown Lady Red Devils 2001 Class AAA State Soccer Champions. by *Scroggs.

House Joint Resolution No. 621 -- Memorials, Retirement - Roland Maddox. by *Casada.

House Joint Resolution No. 625 -- Memorials, Public Service - John R. Phillips, Sr., Stellar Tribute Award. by *McDonald, *Black.

House Joint Resolution No. 626 -- Memorials, Death - Thomas Anthony (Tony) Uteley. by *McDonald, *Black.

House Joint Resolution No. 627 -- Memorials, Death - Former State Representative Gwen Fleming. by *Mumpower, *Godsey, *Davis (Washington), *Westmoreland.

House Joint Resolution No. 628 -- Memorials, Sports - McNairy Central High School Bobcats, TSSAA Region 6-AAA Football Champions. by *Rinks.

House Joint Resolution No. 629 -- Memorials, Sports - Adrian Jamison, TSSAA Class A "Mr. Football". by *Maddox, *Phelan.

House Joint Resolution No. 630 -- Memorials, Death - George Broussard. by *Maddox.

House Joint Resolution No. 631 -- Memorials, Sports - Justin Harrell, 2001 TSSAA Division 1 Class 2A "Mr. Football". by *Maddox.

House Joint Resolution No. 632 -- Memorials, Retirement - Gerald F. Nicely. by *Langster, *Naifeh, *Pruitt, *Jones, S., *West, *Arriola, *Harwell, *Garrett, *DeBerry L., *Briley, *Jones U (Shelby), *Davidson, *Kisber, *Kent, *Head, *Hood, *Bone, *Ferguson.

Rep. Westmoreland moved that all members voting aye on House Joint Resolution No. 627 be added as sponsors, which motion prevailed.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

Rep. Pleasant moved that all members voting aye on House Joint Resolution No. 619 be added as sponsors, which motion prevailed.

On previous motion, all members voting aye on House Joint Resolution(s) No(s). 625, 626 and 632 were added as sponsors.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 618: by Rep. Miller

House Bill No. 150: by Rep. Davis (Cocke)

House Bill 2102: by Rep. Montgomery

Rep. Miller moved that House Joint Resolution No. 618 be held on the Clerk's desk, which motion prevailed.

Under the rules, House Bill(s) No(s). 150 and 2102 was/were placed at the foot of the calendar for January 31, 2002.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

REGULAR CALENDAR

***House Bill No. 573** -- Courts, General Sessions - Provides that if there are multiple defendants or plaintiffs in case before general sessions court and one defendant or plaintiff appeals adverse decision, it is considered appeal by all defendants or plaintiffs and all are properly before circuit court. Amends TCA Title 16, Chapter 15 and Title 27, Chapter 5. by *Bunch. (SB857 by *Norris)

Further consideration of House Bill No. 573 previously considered on May 23, 2001, May 31, 2001 and January 8, 2002, at which time it was reset for today's Calendar.

Rep. Bunch moved that House Bill No. 573 be reset for the Regular Calendar on February 18, 2002, which motion prevailed.

House Bill No. 1466 -- Managed Care Organizations - Establishes standard of care for managed care entities making healthcare decisions; imposes civil liability on managed care entities that fail to exercise such standard of care. Amends TCA Title 29 and Title 56. by *McMillan, *Naifeh, *Todd, *Stanley, *Odom, *Newton, *Turner (Davidson), *Williams, *Jones, S., *Briley, *Fitzhugh, *Shepard, *Turner (Hamilton), *Patton, *Ford S. (*SB20 by *Kyle, *Person)

Further consideration of House Bill No. 1466 previously considered on July 12, 2001 and January 8, 2002, at which time it was reset for today's Calendar.

Rep. Fitzhugh moved that House Bill No. 1466 be reset for the Regular Calendar on February 18, 2002, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Pinion moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 634 out of order, which motion prevailed.

House Joint Resolution No. 634 -- Memorials, Retirement - Bill Harrison. by *Pinion.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pinion, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Casada moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 633 out of order, which motion prevailed.

House Joint Resolution No. 633 -- Naming and Designating - Designates February 1, 2002, as Black History Celebration in Franklin. by *Casada.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Casada, the resolution was adopted.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Montgomery, **House Bill No. 2102** was withdrawn from the House.

ANNOUNCEMENTS

RULES SUSPENDED

Rep. Davidson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 523 out of order, which motion prevailed.

Senate Joint Resolution No. 523 -- General Assembly, Joint Conventions - Calls joint convention for Monday, February 4, 2002, at 5:45 p.m. to hear state of state address by Honorable Governor Sundquist; authorizes transmittal of state budget document. by *Atchley.

On motion of Rep. Davidson, and seconded by Rep. McDaniel, the resolution was concurred in.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 247: Rep(s). Caldwell as prime sponsor(s).

House Bill No. 896: Rep(s). Briley as prime sponsor(s).

House Bill No. 1985: Rep(s). Shepard as prime sponsor(s).

House Bill No. 2239: Rep(s). Davis (Washington), Mumpower and Caldwell as prime sponsor(s).

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 2240: Rep(s). Davis (Washington) and Mumpower as prime sponsor(s).

House Bill No. 2241: Rep(s). Davis (Washington) and Mumpower as prime sponsor(s).

House Bill No. 2533: Rep(s). Casada as prime sponsor(s).

**ENGROSSED BILLS
January 28, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 639.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
January 28, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 639; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS
January 28, 2002**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2042, 2103, also, House Joint Resolution(s) No(s). 619, 620, 621, 625, 626, 627, 628, 629, 630, 631, 632, 633 and 634.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
January 28, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2033, 2045, 2069, 2075, 2079 and 2087; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 2033** -- Sunset Laws - James K. Polk memorial association, June 30, 2008. Amends TCA Title 4, Chapter 13 and Title 4, Chapter 29. by *Harper. (HB2727 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2045** -- Sunset Laws - Black health care commission, June 30, 2008. Amends TCA Title 3, Chapter 15 and Title 4, Chapter 29. by *Harper, *Dixon. (HB2734 by *Kernell, *Brooks, *Cooper B)

MONDAY, JANUARY 28, 2002 – SEVENTY-FIRST LEGISLATIVE DAY

***Senate Bill No. 2069** -- Sunset Laws - State board of accountancy, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 1. by *Harper. (HB2710 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2075** -- Sunset Laws - Tennessee film, entertainment and music commission, June 30, 2008. Amends TCA Title 4, Chapter 3 and Title 4, Chapter 29. by *Harper. (HB2741 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2079** -- Sunset Laws - Tennessee council for deaf and hard of hearing, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 4. by *Harper. (HB2744 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2087** -- Sunset Laws - State board for alarm systems contractors, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 32. by *Harper. (HB2764 by *Kernell, *Brooks, *Cooper B)

**MESSAGE FROM THE SENATE
January 28, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 593, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617 and 622; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, January 31, 2002.